

destruction of the school buildings and property in the territory now composing said district; directing the expenditure of said money; and declaring an emergency.

Whereas, The school buildings, facilities and property of Slocum Independent School District and Phillips Springs Common School District in Anderson County were recently completely destroyed by tornado leaving the people in said districts wholly without school facilities; and

Whereas, Said Districts have been considered and

Whereas, Such disaster constitutes a great public calamity justifying the Legislature in making this appropriation; now therefore

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the State Treasury to Slocum Consolidated School District No. 5 of Anderson County, the sum of Fifteen Thousand (\$15,000.00) Dollars to be used by said District in replacing its school buildings and facilities as provided herein. The Board of Trustees of said District shall use \$13,500.00 of said money to replace the Slocum School Building and facilities, and shall use \$1,500.00 to construct a one room primary school building and facilities at Phillips Springs.

Sec. 2. Said monies shall be paid to the Trustees of said District on sworn accounts as needed on approved estimates as the work of reconstruction and replacement progresses, on warrants drawn by the State Comptroller.

Sec. 3. The fact that a recent tornado completely wiped out the school properties of said school district, which constitutes a great public calamity and there being no adequate method of replacement unless this Act is passed, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

## SIXTH DAY.

Senate Chamber,  
Austin, Texas.

Monday, June 10, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Parr. Woodul.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Petitions and Memorials.

(See Appendix).

## Committee Reports.

(See Appendix).

## Bills and Resolutions.

By Senator Holbrook.

S. B. No. 101, A bill to be entitled "An Act to create Road District No. 5 in Brazoria County, Texas; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Wirtz and Moore.

S. B. No. 102, A bill to be entitled "An Act fixing the salary of the official court reporters in each Judicial district composed of one county only, and in which county there is only one district court; etc., and declaring an emergency."

The bill was read first time and

referred to Committee on State Affairs.

By Senator Wirtz.

S. B. No. 103, A bill to be entitled "An Act fixing the salary of the Court reporters in each judicial district in this State containing four or more counties having a combined population according to the latest United States census of not less than 104,100 and not more than 104,200; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Wirtz.

S. B. No. 104, A bill to be entitled "An Act fixing the salary of court reporters in each judicial district in this State containing five or more counties having a combined population according to the latest U. S. census of not less than 98,700 and not more than 98,800; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Thomason.

S. B. No. 105, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest U. S. census of not less than 45,100 and not more than 45,300; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Love.

S. B. No. 106, A bill to be entitled "An Act amending Section 18 of an Act passed by the First Called Session of the Forty-first Legislature; providing that Mutual Health and Accident Associations may pay certain funeral benefits; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Insurance.

By Senator Hornsby.

S. B. No. 107, A bill to be entitled "An Act to place all common and independent school districts having fewer than 500 scholastic population under the general law; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Hornsby.

S. B. No. 108, A bill to be entitled "An Act to amend Article 2667 Revised Statutes of 1925, providing for school trustees in all independent school districts at eleemosynary institutions, and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Holbrook.

S. B. No. 109, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell, and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish, and Oyster Commissioner on sand, shell and gravel used by counties, cities and State Highway commission for construction of roads and streets; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator McFarlane.

S. B. No. 110, A bill to be entitled "An Act relating to State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board etc., and declaring an emergency."

The bill was read first time and referred to Committee on Penitentiaries.

By Senator Witt.

S. B. No. 111, A bill to be entitled "An Act defining building and loan associations, providing for their incorporation and prescribing the terms, conditions and regulations upon which such companies may carry on their business in Texas; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Holbrook.

S. B. No. 112, A bill to be entitled "An Act making an appropriation in the sum of eighty thousand dollars out of the general revenue of the State, not otherwise appropriated, for constructing and surfacing roads and streets on the camp site of the National Guard at Palacios, Matagorda County, Texas, for letting, form and signing of contracts; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Greer.

S. B. No. 113, A bill to be entitled "An Act validating, ratifying, and approving the Acts and proceedings of the county board of school trustees relating to annexation of territory to certain independent school districts; and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

#### Senators Excused

On motion of Senator Cousins, Senator Woodul was excused for the day on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for the day on account of important business.

#### TEXAS.

Senator Williamson received unanimous consent to have printed in the Journal the following words and prologue for a song:

#### Prologue

#### TEXAS.

Out of the mystic fields of time  
A World came forth from the unknown space.  
The oceans filled the deeper voids,  
The lands were formed and took their place;  
And then came man in his crudest form,  
And he learned of fire, and of honor too;  
And he learned of freedom, and the power of right,  
And slowly, in ages, his knowledge grew.  
Then he sailed the seas and across the main,  
A land like a new-born world was found;  
And he formed a nation of freemen bold,  
Of separate states, indelibly bound,  
And the grandest state in the Galaxy fair  
Was TEXAS! An empire standing alone;  
A land of heroes, and still and all,  
One list of heroes the rest outshone;

The Alamo band—when one and all  
Fought 'till the last one had to go  
To Eternity's rest, but we'll never forget

The men who died at the Alamo!  
Thermopylae had a messenger,  
To announce all hope was gone.  
Thermopylae had a messenger,  
The ALAMO had none.  
October 23, 1928.  
H. W. Austin, El Paso, Texas.

#### Texas.

Texas, my home, where free men dwell,  
Where the Lone Star beckons and calls me home.  
Where the blue-bonnets carpet each lovely dell,  
Wherever I journey, my thoughts ever roam,  
To the land of my father's, my kindred, my home,  
And I think of those men whose names you know,  
And a hundred years from now they'll tell,  
Of the men who died at the Alamo.  
Tho' I journey afar, some day I'll return,  
And each night as I rest, my thoughts ever go  
To the land that I love, my Texas, my home.  
And then comes the picture, The Alamo!  
And my heart swells with pride as I name them o'er,  
The heroes who fought 'till the last death throe,  
And a thousand years from now they'll know,  
Of the men who died at the Alamo.  
The Tejons ruled in the early day,  
The Spaniards came, and they went their way;  
Then came the French, then the Portuguese  
And then the Americans held their sway.  
The Alamo band were Americans all.  
Their speech was the speech that we all know,  
And as long as the world revolves they'll hear,  
Of the men who died at the Alamo.  
November 3, 1928.  
H. W. Austin, 1809 E. Rio Grande,  
El Paso, Texas.

#### Invitation Extended.

The Chair laid before the Senate the following invitation:

Executive Mansion, Austin, Texas.  
Governor and Mrs. Dan Moody  
will be at home to the members of  
the Senate, and their families on  
Tuesday evening, June 11, from 8  
to 10 o'clock.

Executive Mansion. Garden  
Party.

#### Messages from the House.

The Chair recognized the Door-  
keeper, who introduced a messenger  
from the House with the following  
messages:

Hall of the House of Representatives,  
Austin, Texas, June 10, 1929.

Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

S. C. R. No. 6, endorsing an in-  
vitation of the Houston Salesman-  
ship Club to Ex-President Calvin  
Coolidge.

In accordance with the provisions  
of S. C. R. No. 4, calling for a  
joint session Tuesday, June 11, 1929,  
at 11:00 a.m., the following com-  
mittee has been appointed on the  
part of the House:

Sanders, Metcalfe, Harrison, Long  
of Houston, Purl.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, June 10, 1929.

Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

By Senators Woodward and Witt.

S. B. No. 73, A bill to be entitled  
"An Act validating the service of ci-  
tations whether published or posted  
in all proceedings where guardians  
have been appointed, written wills  
probated or executors or administra-  
tors appointed and validating sale  
of lands under the orders of the pro-  
bate courts by guardians, executors  
or administrators after citation was  
published, as provided in Chapter  
179, Acts Regular Session of 1917;  
etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 5.

Senator Pollard received unani-  
mous consent to take up the follow-  
ing bill:

H. B. No. 5, A bill to be entitled  
"An Act making appropriations to  
pay salaries of judges and the sup-  
port and maintenance of the Judi-  
cial Department of the State govern-  
ment for the two-year period be-  
ginning September 1, 1929, and end-  
ing August 31, 1931, and declaring  
an emergency."

The rule requiring Committee re-  
ports to lie over 24 hours was sus-  
pended by unanimous consent.

The Committee report carrying a  
substitute bill was adopted.

The bill was read second time  
and passed to third reading.

On motion of Senator Pollard the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 5 was put  
on its third reading and final pas-  
sage, by the following vote:

#### Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

#### Absent—Excused.

Parr.	Woodul.
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The bill was read third time and  
finally passed.

#### Motion to Print.

Senator Woodward moved that  
the bill attached to the minority re-  
port on S. B. No. 44 be printed on  
minority report together with any  
amendments which might be offered.

Senator Wirtz moved to table the  
motion. The motion to table pre-  
vailed by the following vote:

## Yeas—13.

Gainer.	Moore.
Greer.	Patton.
Hardin.	Russek.
Hyer.	Stevenson.
Martin.	Westbrook.
McFarlane.	Witt.
Miller.	

## Nays—8.

Berkeley.	Love.
Cunningham.	Neal.
Holbrook.	Parrish.
Hornsby.	Pollard.

## Absent.

Beck.	DeBerry.
Cousins.	Thomason.

## (Pairs Recorded.)

Senator Williamson (present), who would vote yea with Senator Small (absent), who would vote nay.

Senator Wirtz (present), who would vote yea with Senator Woodul (absent), who would vote nay.

Senator Woodward (present), who would vote nay with Senator Parr (absent), who would vote yea.

## Simple Resolution No. 1.

The Chair laid before the Senate the following resolution:

S. R. No. 1, relating to the adoption of the rules of the Regular Session and an amendment relating to the maintenance of a quorum.

Senator Love moved to substitute the minority for the majority report.

Senator Pollard called for a division of the question:

The Chair ruled that the Regular Session adopted rules for the entire Forty-first Legislature, making the first part of the resolution unnecessary.

The minority report was substituted for the majority report by the following vote:

## Yeas—16.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Greer.	Parrish.
Hardin.	Small.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodward.

## Nays—8.

Cunningham.	Russek.
Martin.	Stevenson.
Miller.	Westbrook.
Pollard.	Wirtz.

## Absent.

DeBerry.	Patton.
Gainer.	Thomason.
Neal.	

## Absent—Excused.

Parr.	Woodul.
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Senator Wirtz sent up the following amendment to the amendment.

Amend the rule by striking out the word "Senate" where it first occurs in the last line and insert in lieu thereof "the members then present."

## WIRTZ.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment to the amendment:

Amend the rule by adding the following:

"Provided that when a lack of quorum is determined and a call of the Senate is ordered, as herein provided, no further business shall be transacted, except to adjourn or recess, until all absentees are brought in or excused by majority vote of the members present."

## WIRTZ.

The amendment was read.

Senator Love moved the previous question on the further consideration of the amendment and the resolution. The previous question on the amendment was ordered by the following vote:

## Yeas—14.

DeBerry.	Parrish.
Holbrook.	Small.
Hornsby.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Moore.	Witt.
Neal.	Woodward.

## Nays—10.

Berkeley.	Patton.
Greer.	Pollard.
Hyer.	Russek.
Martin.	Stevenson.
Miller.	Wirtz.

## Absent.

Beck. Gainer.  
Cousins. Hardin.  
Cunningham.

## Absent—Excused.

Parr. Woodul.

The previous question on the amendment as amended was ordered by the following vote:

## Yeas—13.

Beck. Parrish.  
Greer. Small.  
Holbrook. Thomason.  
Hornsby. Williamson.  
Love. Witt.  
McFarlane. Woodward.  
Moore.

## Nays—11.

Berkeley. Pollard.  
DeBerry. Russek.  
Hyer. Stevenson.  
Martin. Westbrook.  
Miller. Wirtz.  
Patton.

## Absent.

Cousins. Hardin.  
Cunningham. Neal.  
Gainer.

## Absent—Excused.

Parr. Woodul.

The amendment was lost by the following vote:

## Yeas—10.

Cousins. Patton.  
Gainer. Pollard.  
Greer. Russek.  
Martin. Stevenson.  
Miller. Wirtz.

## Nays—16.

Beck. Moore.  
Berkeley. Parrish.  
DeBerry. Small.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Witt.  
McFarlane. Woodward.

## Absent.

Cunningham. Neal.  
Hardin.

## Absent—Excused.

Parr. Woodul.

The amendment as amended was lost by the following vote:

## Yeas—17.

Beck. Moore.  
Berkeley. Neal.  
DeBerry. Parrish.  
Greer. Small.  
Holbrook. Thomason.  
Hornsby. Williamson.  
Hyer. Witt.  
Love. Woodward.  
McFarlane.

## Nays—9.

Gainer. Russek.  
Martin. Stevenson.  
Miller. Westbrook.  
Patton. Wirtz.  
Pollard.

## Absent.

Cousins. Hardin.  
Cunningham.

## Absent—Excused.

Parr. Woodul.

(Two-thirds vote required.)

## Amendments to Rules.

Senator McFarlane sent up the following amendment to the rules: Amend Rule 4 to hereinafter read as follows:

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

It shall be in order to move a call of the Senate at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution or other measure.

When a call of the Senate is moved for one of the above purposes and seconded by five members, the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the Senate without written permission of the pre-

siding officer until after the subject matter upon which the call was ordered has been disposed of. The secretary shall call the roll of members and note the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-At-Arms or officers appointed by him for that purpose, and their attendance secured and retained, and the Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the Hall of the Senate and they shall report their names to the Secretary to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered, or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

(b) For a definite period of time or for the consideration of any particular class of bills.

A call of the Senate for one of these purposes shall be ordered only by a majority vote of those present, and when ordered, the same procedure shall be followed as set forth above for securing and maintaining a quorum.

McFARLANE.

The amendment was read.

#### Resolution Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate after its caption had been read, the following resolution:

H. C. R. No. 5.

#### Recess.

On motion of Senator Woodward, the Senate, at 12:02 o'clock p.m., recessed until 2:00 o'clock p.m.

#### After Recess.

The Senate met at 2:00 o'clock p.m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### Point of No Quorum.

Senator McFarlane raised the point of order that no quorum was present. The roll call showed a quorum present.

#### Present.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
Hardin.	Russek.
Holbrook.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Moore.	Wirtz.
Neal.	Woodward.

#### Absent.

Cousins.	Hyer.
DeBerry.	Miller.
Gainer.	Pollard.
Greer.	Small.
Hornsby.	Witt.

#### Absent—Excused.

Woodul.

#### Amendment to Rules.

The question recurred upon the amendment to the Senate rules.

Senator Wirtz raised the point of order that such an amendment must be referred to the Committee on Rules. The Chair sustained the point of order.

Senator McFarlane moved that the Committee on Rules be instructed to report on this amendment by 2:30 o'clock p.m. The motion was lost by the following vote:

#### Yeas—12.

Berkeley.	Parrish.
DeBerry.	Small.
Holbrook.	Westbrook.
Hornsby.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.

#### Nays—15.

Beck.	Hardin.
Cunningham.	Hyer.
Gainer.	Love.

Martin.  
Neal.  
Parr.  
Patton.  
Pollard.

Russek.  
Stevenson.  
Thomason.  
Wirtz.

Absent.

Cousins.  
Greer.

Absent—Excused.

Woodul.

### Motion to Re-refer.

Senator Wirtz moved to re-refer S. B. No. 111 from the Committee on State Affairs to the Committee on Insurance. The motion prevailed.

### Senate Bill No. 22.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

By Senator Woodward.

S. B. No. 22, A bill to be entitled "An Act amending Title 40 of the Revised Civil Statutes of 1925 by adding thereto Article 1884a providing that no judge shall sit in any case wherein he may be interested or where either of the parties may be connected with him either by affinity or consanguinity within the third degree or where he shall have been counsel in the case, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put in its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Miller.

Absent—Excused.

Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Miller.

Absent—Excused.

Woodul.

### Senate Bill No. 23.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

By Senator Woodward.

S. B. No. 23, A bill to be entitled "An Act to amend Art. 5520 Revised Civil Statutes of 1925 relating to limitation by adding to said Article 5520, Section 3; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 23 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.
Greer.	McFarlane.



Moore.	Stevenson.
Neal.	Thomason.
Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.
Small.	

Absent.

Miller.

Absent—Excused.

Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Miller.

Absent—Excused.

Woodul.

**House Bill No. 38.**

Senator Williamson received unanimous consent to take up the following bill:

H. B. No. 38, A bill to be entitled "An Act authorizing commissioners courts in counties in Texas having a population of at least 202,000 inhabitants, as shown by the census of 1920, in which are established hospitals jointly owned or operated by any city and county to levy a direct tax of not over ten cents on the valuation of one hundred dollars for the purpose of erecting buildings and other improvements, and for maintaining and operating such hospitals and providing that all such levy of taxes shall be submitted to the qualified taxpaying voters of the county and a majority vote to be necessary to levy the taxes, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 38 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Miller.

Absent—Excused.

Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Miller.

Absent—Excused.

Woodul.

**Senate Bill No. 4.**

The Chair laid before the Senate

as pending business the following bill:

By Senator Pollard.

S. B. No. 4, A bill to be entitled "An Act making an appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto and declaring an emergency."

Senator Thomason sent up the following amendment:

Amend S. B. No. 4, page 25, by inserting between lines 15 and 16 the following: "Deposit Warrant Clerk \$1,800.00 first year and \$1,800.00 second year."

THOMASON,  
POLLARD.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost.

The amendment was adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 4, page 24, line 29, by striking out 3600 and insert in lieu thereof 3000.

Amend S. B. No. 4, page 24, line 29 and page 25, line 8, by striking out 3600 and insert 3000 in line 29 page 24 and by striking out 4000 and insert in lieu thereof 3000 in line 8 page 25.

McFARLANE.

The amendment was read.

Senator Pollard moved to table the amendment.

Senator Holbrook called for a division of the question.

The motion to table the first item was lost. The first item was adopted.

The motion to table the second item was lost by the following vote:

Yeas—9.

Beck.	Pollard.
Hardin.	Stevenson.
Martin.	Thomason.
Neal.	Witt.
Parr.	

Nays—16.

Berkeley.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	McFarlane.
Greer.	Miller.

Moore.	Small.
Parrish.	Westbrook.
Patton.	Williamson.
Russek.	Wirtz.

Absent.

Cousins.	Love.
Gainer.	Woodul.
Hyer.	Woodward.

Senator DeBerry sent up the following substitute for the second item:

Amend S. B. No. 4, page 25, line 8, by striking out the figures: \$4000.00 for each year and insert in lieu thereof the figures \$3600.00 for each year.

DeBERRY.

Read and adopted.

The amendment as amended was adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 4 by substituting figures 2100 for 2400 in line 16. page 25, wherever they appear.

HOLBROOK.

The amendment was read and lost by the following vote:

Yeas—12.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Holbrook.	Parrish.
Hornsby.	Small.
McFarlane.	Wirtz.

Nays—15.

Beck.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Witt.
Neal.	Woodward.
Patton.	

Absent.

Cousins.	Williamson.
Gainer.	

Absent—Excused.

Woodul.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 4, page 25, line 32 by substituting the figures \$50,-

697.03—\$53,477.84 for the figures \$50,697.03—\$50,697.03 in the respective columns where they appear.

## HOLBROOK.

The amendment was read.

Senator Wirtz sent up the following substitute for the amendment:

Substitute for amendment No. 30, Amend S. B. No. 4, page 25, lines 21 to 32, inclusive, by striking out all of said lines, and in lieu thereof add the following: Salaries of tax supervisors \$50,697.03—\$50,697.03

## WIRTZ.

The substitute was read.

Senator Holbrook withdrew his amendment:

Senator Greer moved to table Senator Wirtz's amendment.

The motion was lost by the following vote:

## Yeas—12.

Cousins.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.
Love.	Thomason.
Moore.	Westbrook.
Neal.	Witt.

## Nays—14.

Berkeley.	Miller.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Small.
Greer.	Williamson.
Holbrook.	Wirtz.
McFarlane.	Woodward.

## Absent.

Beck.	Martin.
Hardin.	Stevenson.

## Absent—Excused.

Woodul.

The amendment was adopted by the following vote:

## Yeas—20.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Wirtz.

## Nays—6.

Moore.	Williamson.
Neal.	Witt.
Westbrook.	Woodward.

## Absent.

Gainer.	Martin.
Greer.	Stevenson.

## Absent—Excused.

Woodul.

Senator Pollard, Chairman of the Finance Committee, received unanimous consent to change line 29, page 27, of S. B. No. 4 to read \$40,000 for each year.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 4 page 28 by striking out all of lines 23 to 32 inclusive.

## WIRTZ.

Read and adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 4 by striking out figures 10,000, page 30, line 5, and insert in lieu the figures 12,500 in first column and 15,000 in second column, and by striking figures 2,000, page 30, line 11, and insert the figures 4,000.

## McFARLANE.

The amendment was read.

Senator Pollard moved to table the amendment. The motion was lost by the following vote:

## Yeas—12.

Berkeley.	Miller.
Cunningham.	Patton.
DeBerry.	Pollard.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hyer.	Wirtz.

## Nays—13.

Beck.	Parr.
Greer.	Parrish.
Hornsby.	Thomason.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Woodward.
Neal.	

## Absent.

Cousins.	Russek.
Gainer.	Small.
Martin.	

## Absent—Excused.

Woodul,

The amendment was lost by the following vote:

## Yeas—14.

Beck.	Parr.
Greer.	Parrish.
Hornsby.	Small.
Love.	Thomason.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Woodward.

## Nays—14.

Berkeley.	Miller.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hyer.	Wirtz.

## Absent.

Gainer. Martin.

## Absent—Excused.

Woodul.

The Chair voted "nay."

Senator Neal sent up the following amendment:

Amend S. B. No. 4, page 32 by inserting between lines 22 and 23 the following:

"For rehabilitation of cripples, 1930, \$12,500.00; 1931, \$12,500.00."

NEAL.

The amendment was read and adopted by the following vote:

## Yeas—20.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Moore.	Witt.

## Nays—5.

Cunningham.	Miller.
DeBerry.	Wirtz.
McFarlane.	

## Absent.

Gainer.	Williamson.
Martin.	Woodward.
Small.	

## Absent—Excused.

Woodul.

Senator Pollard sent up the following amendment:

Amend S. B. No. 4, page 28, lines 12 and 13, by striking out the words "Comptroller's Office" and insert in lieu thereof "capitol, the work to be done and material to be purchased under the supervision of the Board of Control."

POLLARD.

Read and adopted.

## Senate Bill No. 82.

Senator Parrish received unanimous consent to take up the following bill:

By Senator Parrish:

S. B. No. 82, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College to acquire, operate and manage 5 boys' and girls' dormitories at the school, and to furnish and equip the same, and dining hall building in connection therewith; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

Senator Parrish sent up the following amendments:

Amend S. B. No. 82 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That the Board of Directors of the Texas Technological College are hereby authorized and empowered to acquire, without cost to the State of Texas, and accept title, subject to such conditions and limitations as may be prescribed and provided three boys dormitories and two girls dormitories and a kitchen and dining hall building and grounds in connection therewith, within a radius of not more than one quarter of a mile from the present campus of said College, when the total cost, type of construction, and the capacity of said buildings, as well as the other plans and specifications, have been approved by them; that said Board are further authorized to

make any contracts with reference to the collection and disposition of the revenues derived therefrom in the acquisition, management, and maintenance of said buildings, and upon acquisition thereof absolute control and management shall vest in said Board, subject to any conditions that may be provided in the grant; provided that the said five dormitories and kitchen and dining hall shall be built of steel, concrete, brick and/or rock, and fireproof, except the doors and windows, the buildings and land to cost not less than Two Hundred Thousand (\$200,000.00) Dollars. And the buildings are to accommodate not less than 150 students. Provided that land owned by the State may be used for said purposes, not exceeding a total of ten acres and not exceeding two acres for each dormitory, and not exceeding two acres for such kitchen and dining hall.

Sec. 2. On the acquisition of said building by said College the Board are hereby expressly authorized and empowered to make requisition for all furniture, furnishings, equipment, and appointments that may be necessary for the proper use and enjoyment of said buildings, which in no event, however, shall become permanent fixtures.

Sec. 3. The Board of Control of the State of Texas is hereby authorized to purchase and pay for the furnishings and equipment authorized to be purchased in Section 2 only after the buildings are accepted and acquired by the Board of Directors.

Sec. 4. The Board of Directors of said College are hereby authorized and empowered to adopt such rules and regulations as they may deem advisable, requiring any class or classes of students to reside in such dormitories, or other buildings as they may deem advisable.

Sec. 5. The invalidity of any part of this Act shall not in any way affect the validity of the remainder of the Act.

Sec. 6. The fact that said College is in dire need of boys and girls dormitories at the present time, there being approximately 2200 boys and girls enrolled, 800 of whom are freshmen and whose moral welfare and social conduct would be greatly benefitted by housing said students in dormitories and the fact that there are now certain persons who

have worked out a plan whereby said buildings can be financed and built for said College whereby a substantial part of the revenues will redeem the indebtedness against said buildings upon acquisition for said College, the only actual cost of the State of Texas being the furnishings and fixtures, and the fact that said dormitories will accommodate more than 1,000 students, at a cost not exceeding what they now pay for the same accommodations, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

PARRISH.

Read and adopted.

Strike out all above enacting clause, and insert the following:

#### A BILL

#### To Be Entitled

An Act authorizing the Board of Directors of the Texas Technological College to acquire, operate and manage three boys' dormitories and two girls' dormitories at the School and to furnish and equip the same, and dining hall and kitchen building in connection therewith; authorizing said Board to prescribe plans and specifications not inconsistent herewith, and to accept said buildings when completed without cost to the State of Texas; authorizing said Board to make contracts with reference to the acquisition, management, and control of said buildings; authorizing the use of land owned by the State for said purposes under certain restrictions; and declaring an emergency.

PARRISH.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 82 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Stevenson.
Love.	Thomason.
McFarlane,	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Woodward.

Absent.

Martin. Small.

Absent—Excused.

Woodul.

Read third time and finally passed  
by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane,	Witt.
Miller.	Woodward.

Absent.

Martin. Small.

Woodul.

**Senate Bill No. 83.**

Senator Parrish received unanimous consent to take up the following bill:

By Senator Parrish:

S. B. No. 83, A bill to be entitled "An Act amending Section 2 of an Act passed by the Forty-first Legislature at the First Called Session, said bill being S. B. No. 87 relating to appointment of deputy sheriffs; etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to

be read on three several was suspended and S. B. No. 83 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane,	Witt.
Miller.	Woodward.

Absent.

Martin. Small.

Absent—Excused.

Woodul.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane,	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

**Senate Bill No. 81.**

Senator Hornsby received unanimous consent to take up the following bill:

By Senator Hornsby:

S. B. No. 81, A bill to be entitled "An Act amending Chapter 4 of the Local and Special Laws of the Thirty-fifth Legislature as amended, the same being a local road law for

Llano County, so as to better approve the roads of said County; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

Senate Bill No. 86.

Senator Hornsby received unanimous consent to take up the following bill:

By Senator Hornsby:

S. B. No. 86, A bill to be entitled "An Act fixing the salary of County Commissioner in each county having a population of not less than 53,000 and not more than 53,750 according to the latest United States Census; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 86 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

**Senate Bill No. 66.**

Senator Thomason received unanimous consent to take up the following bill:

By Senators Thomason and Beck:

S. B. No. 66, A bill to be entitled "An Act exempting veteran soldiers and others serving in the Spanish-American War from payment of fees or charges in State Institutions, Schools or Colleges of this State to the same extent that those serving in the World War are exempt from same under the laws of this State; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 66 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane	Witt.
Miller.	Woodward.
Moore.	

Absent.

Martin.

Absent—Excused.

Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Hyer.	Russek.
Love.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Neal.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodward.
Pollard.	

Absent.

Martin.

Absent—Excused.

Woodul.

**Adjournment.**

On motion of Senator Wirtz, the Senate, at 5:40 o'clock p.m., adjourned until 10:00 tomorrow morning.

**APPENDIX.****Petitions and Memorials.**

State of Wisconsin.

Joint Resolution No. 65. S.

Memorializing the congress of the United States to call a convention for the purpose of proposing amendments to the United States constitution.

Whereas, Article V of the United States constitution provides for the calling of a convention to propose amendments to such constitution; and

Whereas, Other states have in the past asked that such a convention be called; and

Whereas, There are sections of the United States constitution that should be amended; therefore be it resolved by the Senate, the Assembly concurring, that the legislature of the State of Wisconsin hereby earnestly requests and petitions congress to call a convention for proposing amendments to the United States constitution; and be it further resolved,

That a copy of this resolution, properly attested, be forwarded to the presiding officers of both Houses of congress, to the presiding officers of the legislature of the other states, and to the Wisconsin senators and representatives in congress.

(Signed)

CHAS. E. EWING,



Speaker of the Assembly.  
C. E. SHAFFER,  
Chief Clerk of the Assembly.  
HENRY ALEXANDER,  
President of the Senate.  
O. G. MIMSON,  
Chief Clerk of the Senate.  
Read and referred to Committee  
on Constitutional Amendments.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, June 10, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No.  
23 carefully examined and compared  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, June 10, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No.  
22 carefully examined and compared  
and find the same correctly en-  
grossed.

WESTBROOK, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, June 10, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Fi-  
nance, to whom was referred

H. B. No. 5, A bill to be entitled  
"An Act making appropriations to  
pay salaries of judges, and the sup-  
port and maintenance of the Judi-  
cial Department of the State Gov-  
ernment for the two year period be-  
ginning September 1, 1929, and end-  
ing August 31, 1931, and declaring  
an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do not pass  
but that the following committee  
substitute be passed and be not print-  
ed inasmuch as it is an exact copy  
of S. B. No. 2 as it passed the Senate.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 7, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on

Highways and Motor Traffic, to  
whom was referred

S. B. No. 80, A bill to be entitled  
"An Act authorizing the issuance of  
bonds by the Commissioners Court  
of Panola County after same have  
been authorized by a majority vote  
of the qualified property tax paying  
voters of said county voting at an  
election called for the purpose,  
funding the Road and Bridge in-  
debtedness of the county, incurred  
prior to the effective date of this  
Act, into bonds of Panola County,  
this Law being a local road law for  
Panola County; enacting regula-  
tions and limitations relating  
thereto; prohibiting the issuance of  
warrants, scrip or other evidence of  
indebtedness against the Road and  
Bridge fund, or to create any debt  
against the Road and Bridge fund  
of said county, except as authorized  
by this Act, in excess of the current  
revenues of said county for Road  
and Bridge purposes, and providing  
that any contract or indebtedness  
made in violation of this Act shall  
be void; enacting all other provi-  
sions necessary and incidental to the  
subject and purpose of this Act;  
and declaring an emergency."

Have had the same under consid-  
eration and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, June 7, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

S. B. No. 97, A bill to be entitled  
"An Act to provide for the appoint-  
ment of one deputy sheriff in each  
county containing a population of  
not less than 10,040 nor more than  
10,050, as shown by the preceding  
Federal census and authorizing the  
payment of salary out of the gen-  
eral fund of the county and declar-  
ing an emergency."

Have had the same under con-  
struction, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass and  
that it being a local bill that it be  
not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, June 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 98, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing eight or more counties having a combined population according to the latest United States census of not less than 50,500 and not more than 50,600, and prescribing the manner of the payment of same; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act fixing the salary of County Commissioners in each county having a population of not less than 53,000 and not more than 53,750 according to the latest United States census; providing for the payment of same out of the General County Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 83, A bill to be entitled "An Act amending Section 2 of an Act passed by the 41st Legislature at the First Called Session, said bill being S. B. No. 87, relating to appointment of deputy sheriffs, so as to correct the figures in describing the population of certain classes of counties included in said Act; and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 38, A bill to be entitled "An Act authorizing Commissioners' Courts in counties in Texas having a population of at least 202,000 inhabitants, and less than 210,000 inhabitants, as shown by the Census of 1920, in which are established hospitals jointly owned or operated by any city and county to levy a direct tax of not over ten cents on the valuation of One Hundred Dollars for the purpose of erecting buildings and other improvements, and for maintaining and operating such hospitals and providing that all such levy of taxes shall be submitted to the qualified taxpaying voters of the county and a majority vote to be necessary to levy the taxes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 7, 1929.

Hon. Barry Miller, President of the Senate.

We, your Committee on State Affairs, to whom was referred

S. B. No. 82, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to acquire, operate and manage 5 boys and girls dormitories at the school and to furnish and equip the same, and dining hall buildings in connection therewith; authorizing said board to prescribe plans and specifications not inconsistent herewith, and to accept said buildings when completed without cost to the State of Texas; authorizing said Board to make contracts with reference to the acquisition, management and control of said buildings and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, June 7, 1929.  
Hon. Barry Miller, President of the Senate.

We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 44, A bill to be entitled "An Act regulating and imposing duties and restrictions on certain public utilities, providing for the regulation of rates to be charged by public utilities for service rendered, that the rates charged shall be just and reasonable and that the service rendered shall be adequate, efficient and reasonable, requiring reports to be made by utilities, creating a public utilities commission, providing for the appointment of commissioners, fixing their salaries and terms of office, providing for the employment of examiners, engineers, statisticians, accountants, inspectors, clerks and employees, conferring duties and powers upon the commission, prescribing rules of procedure before it, providing for an appeal to the commission from the order of a municipal corporation empowered to regulate the rates of utilities or from the failure to act on the part of the governing body of such municipality in regard to rates charged for service rendered, providing for judicial review and enforcement of the acts, orders and decisions of the commission and a penalty for the violation of the provisions of this Act, repealing acts inconsistent herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, June 7, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 44, A bill to be entitled

"An Act regulating and imposing duties and restrictions on certain public utilities, providing for the regulation of rates to be charged by public utilities for service rendered, that the rates charged shall be just and reasonable and that the service rendered shall be adequate, efficient and reasonable, requiring reports to be made by utilities, creating a public utilities commission, providing for the appointment of commissioners fixing their salaries and terms of office, providing for the employment of examiners, engineers, statisticians, accountants, inspectors, clerks and employees, conferring duties and powers upon the commission, prescribing rules of procedure before it, providing for an appeal to the commission from the order of a municipal corporation empowered to regulate the rates of utilities or from the failure to act on the part of the governing body of such municipality in regard to rates charged for service rendered, providing for judicial review and enforcement of the Acts, orders and decisions of the commission and a penalty for the violation of the provisions of this Act, repealing Acts inconsistent herewith and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of the Committee and report the bill back to the Senate with the recommendation that it do pass.

WOODWARD,  
HORNSBY,  
SMALL,  
HOLBROOK.

Committee Room,  
Austin, Texas, June 10, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 106, A bill to be entitled "An Act amending Section 18 of an Act passed by the First Called Session of the Forty-first Legislature, entitled 'An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 14 and 15 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing that Mutual Assessment Health and Accident Associa-

tions may pay certain funeral benefits; providing a penalty for the violation of the provisions thereof, and declaring an emergency,' so as to provide that any company organized and transacting business under the laws repealed by said Act may take advantage of its provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Love.

S. B. No. 106.

A BILL  
To Be Entitled

An Act amending Section 18 of an Act passed by the First Called Session of the Forty-first Legislature, entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 13, 14 and 15 of Title 78 of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing that Mutual Assessment Health and Accident Associations may pay certain funeral benefits; providing a penalty for the violation of the provisions thereof, and declaring an emergency," so as to provide that any company organized and transacting business under the laws repealed by said Act may take advantage of its provisions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 18 of an Act passed by the First Called Session of the Forty-first Legislature, entitled

"An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 13, 14 and 15 of Title 78 of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing that Mutual Assessment Health and Accident Associations may pay certain funeral benefits; providing a penalty for the violation of the provisions thereof, and declaring an emergency,"

Be and the same is hereby amended so as to read as follows:

Sec. 18. Chapters 5, 6, 9, 12, 13, 14 and 15 of Title 78 of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed; provided that such repeals and the provisions of this Act shall not apply to or affect any company or association of this State now doing business under the laws repealed, and they shall continue to be governed by the regulatory provisions of such laws. Any company organized and transacting business under any of the laws repealed by this Act may, however, by resolution of its Board of Directors, duly approved by the majority of the members, at a meeting specially called for that purpose, and duly certified to by the President and Secretary, and filed with the Board of Insurance Commissioners elect to adopt and become subject to the provisions of this Act, in lieu of any Act or Acts theretofore governing such company or association.

Any Company or Association so electing and fully complying with this Act, may thereafter affect such kinds of Insurance as is authorized by this Act, and specified in its Articles of Association then in force, or as then or thereafter amended, together with such additional kinds of insurance as are specified in such resolution and authorized by this Act.

Sec. 2. The fact that there is now no adequate law in this State governing Mutual Companies transacting the business of Casualty Insurance constitutes an emergency and an imperative public necessity which requires that the Constitutional Rule providing that all bills be read on three several days, be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 10, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 72, A bill to be entitled "An Act amending Article 1112, of the Revised Civil Statutes of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Senators McFarlane S. B. No. 72. and Small.

#### A BILL

##### To Be Entitled

An Act, amending Article 1112, of the Revised Civil Statutes of Texas, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Sec. 1. Article 1112 of the Revised Civil Statutes of Texas shall be amended to hereinafter read as follows:

Art. 1112. Vote, etc. No such light or water system shall ever be sold until such sale is authorized by two-thirds vote of the qualified voters of such city or town; nor shall same be encumbered for more than five thousand dollars, except for purchase money, or to refund any existing indebtedness, until authorized in like manner. Such vote in either case shall be ascertained at an election, of which notice shall be given in like manner as in cases of the issuance of municipal bonds by such cities and towns.

Sec. 2. The fact that the law on this subject is inadequate, creates an emergency and an imperative necessity that requires bills to be read on three several days be suspended, and the rule is suspended, and this law shall be effective from and after its passage, and it is so enacted.

By Beck, Cunningham, S. B. No. 68. Moore, Patton, Williamson, Wirtz, Holbrook, Hardin.

#### A BILL

##### To Be Entitled

An Act establishing a State Sanitary Code which provides for the prevention and control of disease; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, and repealing all laws, ar-

ticles, sections, and subdivisions of laws in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

#### Chapter 1. General Statutory Regulations.

Section 1. Repeal of existing State Sanitary Code and other statutes. In order to provide more effectively for the control and prevention of disease among the people of Texas, Article 4477 of Chapter IV of the Revised Civil Statutes of Texas of 1925 known as the Sanitary Code, and such other articles and sections as may be in conflict with this Act, are hereby repealed and the following sections and subdivisions shall constitute the Sanitary Code of the State of Texas. Provided, that all other laws or parts of laws now in force relating to the State Health Department, the State Board of Health, and the State Health Officer, and all other laws relating to public health, sanitation, and the control and prevention of communicable, contagious, and infectious diseases shall remain in full force and effect, except in so far as the same may be in conflict with the provisions of this Act.

Sec. 2. Duties and Powers of the State Health Officer. In addition to the duties and powers previously established by legislative enactment, the State Health Officer shall be empowered to employ the most efficient and practical means for the prevention and suppression of disease, and it shall accordingly be his duty so to do, and to administer the health laws and the Sanitary Code, and to establish with the approval of the State Board of Health, such other rules and regulations as are necessary to carry into effect this Act and for the prevention and suppression of disease. The State Health Officer shall assist and advise local health officers in the performance of their duties, and may require the enforcement of any law, regulation, or ordinance relating to public health; and with the health authorities of this and other states, shall secure information and data concerning the control of disease and conditions affecting or endangering the public health, and he shall make such information available to the people of this State as may be of

value to them. When requested by the local health officers, he shall visit their jurisdictions to investigate, consult, and advise on any conditions affecting the public health, make inspections of public hospitals, asylums, prisons, schools, and other institutions and submit a report of his investigations to the State Board of Health with such recommendations as he may deem proper. The State Health Officer may also, with the approval of the State Board of Health, employ such clerical and other assistance as may be necessary and purchase supplies and materials for use in the said State Department of Health as may be required for the proper discharge of the duties of his office.

Sec. 3. Duties of local health officers. It shall be the duty of city and county health officers and sanitary inspectors to file complaints in the proper courts when violations are brought to their attention, or when warranted, and it shall be the duty of the city, county, and district attorneys to prosecute such violations.

## Chapter II. Communicable Diseases

Section 1. Reportable Diseases. The following diseases are declared to be communicable or dangerous to the public health and are reportable in the manner hereinafter provided.

### Divisions A.

Actinomycosis, Acute Infectious Conjunctivitis, Anchylostomiasis, Anthrax, Chicken Pox, Cholera, Dengue, Diphtheria, Dysentery (amebic), Dysentery (bacillary), Encephalitis Lethargica (epidemic), Favus, German Measles, Glanders, Influenza (epidemic), Leprosy, Malaria, Malta Fever, Measles, Meningococcus, Mumps, Paratyphoid Fever, Plague, Pneumonia (acute lobar), Poliomyelitis (infantile paralysis), Puerperal Infection, Rabies, Rocky Mountain Spotted or Tick Fever, Scarlet Fever, Septic Sore Throat, Smallpox, Tetanus, Arachoma, Trichinosis, Tuberculosis (pulmonary), Tuberculosis (other than pulmonary) Tularaemia, Typhoid Fever, Typhus Fever, Whooping Cough, Yellow Fever.

### Division B.

Chancroid, Gonorrhea, Syphilis.

### Division C.

Beriberi, Botulism (food poisoning), Pellagra, Scurvy.

### Division D.

Analine Poisoning, Arsenic Poisoning, Benzine Poisoning, Benzol Poisoning, Bisulphide of Carbon Poisoning, Carbonmonoxide Poisoning, Compressed Air Illness, Dinitrobenzine Poisoning, Lead Poisoning, Naptha Poisoning, Natural Gas Poisoning, Phosphorus Poisoning, Turpentine Poisoning, Tetraethyl Lead Poisoning, Wood Alcohol Poisoning.

Sec. 2. Records and Reports. (1) Definition of a report. For the purposes of this Code a disease may be said to be reported when the name of the person, address, age, sex and the name of the disease existing or suspected, and the date of the onset have been reported to the proper health authority. Provided, that for the diseases listed, those of Division B shall be reported in accordance with Section 1 of Article 4445, Revised Statutes of 1925; and provided further, that if the disease reported is one listed in Division D, the report shall include the name and address of the employer.

(2) How diseases are to be reported. Disease Divisions A and C: (a) By completing report card for such diseases and sending the same to the proper health authority; (b) The health officer, at his discretion, may accept verbal or telephone reports, provided the required data are immediately recorded on a report card.

Disease Divisions B and D: By completing the report card for such diseases and sending the same direct to the State Health Officer.

(3) Time of reporting. All reports shall be submitted to the proper health authority within thirty-six hours after seeing the case. The report shall state whether the diagnosis is provisional or final.

(4) To whom reports shall be made. All diseases listed in Divisions A and C shall be reported to the health officer having jurisdiction. All diseases listed in Division B shall be reported in accordance with Section 1 of Article 4445 of the Revised Statutes of 1925; and all diseases listed in Division D shall be reported direct to the State Health Officer.

(5) Persons required to make reports. (a) Physicians in attendance on a case of reportable disease shall report the same in the manner specified in these regulations.

(b) When no physician is in attendance, superintendents or persons in charge of hospitals, sanitariums, dispensaries, schools (public, private, or parochial), or other institutions, nurses, midwives, teachers, dairy managers, heads of private households, proprietors and keepers of hotels, boarding houses, restaurants, lodging houses and camps, masters of vessels, and heads of industrial establishments, or any other person or persons either attending or having knowledge or suspecting a case of reportable disease, shall communicate such fact to the health officer.

(c) Laboratories. The director or person in charge of a laboratory authorized by the State Board of Health shall, at the end of each month, report to the State Health Officer the total number of specimens examined by such laboratory showing the presence of each reportable disease.

(6) Telegraphic reports. In addition to reporting in the manner specified above, a telegraphic report shall be sent by the physician in attendance to the State Health Officer on the following diseases: Anthrax, Glanders, Leprosy, Plague, Rocky Mountain Spotted Fever, Typhus Fever, and Yellow Fever.

(7) Handling of reports by city and county health officers. Upon receipt of the individual report cards on all diseases at the office of the local health officer, the same shall be filed in that office and a completed tabulation card showing the number and kinds of diseases occurring or reported during the current week, up to and including Saturday, shall be mailed to the State Health Officer at the end of each week.

### Sec. 3. Precautionary Measures.

(1) Duties of physician. It shall be the duty of the attending physician immediately upon discovering a case of communicable disease to order such isolation of case and disinfection of discharges as are necessary to prevent its spread, and it shall be the duty of the person so ordered to comply with such instructions unless and until he is other-

wise notified by the health officer having jurisdiction.

(2) Duties of health officer. Whenever the health officer is informed or has reason to believe that a reportable disease exists within the territory over which he has jurisdiction, he shall, either in person or through his authorized representative, immediately examine the facts in the case and institute such measures as are contained in the regulations of the State Board of Health for preventing the spread of such disease.

(3) Duties of common carriers. All persons concerned with the management and operation of common carriers shall observe the rules for such carriers as contained in the "Sanitary Code for Common Carriers" as hereinafter contained.

(4) Duties of superintendents of institutions. Boarding schools, boys' and girls camps, hospitals, almshouses, jails, or other similar institutions (public or private), shall immediately isolate all persons known or suspected of being afflicted with any communicable disease and at once notify the health officer having jurisdiction.

(5) Duties of school authorities.

(a) Diseases excludable. No teacher, pupil, or employee shall be permitted to attend any public, private, parochial, or Sunday School when infected or suspected of being infected with any of the diseases listed in Divisions A and B, or of being a carrier of such disease, or while suffering from impetigo contagioso, pediculosis, ringworm or scabies.

(b) Certificate for return. Unless otherwise excluded, it shall be the duty of the school health official, teacher, principal, or board of directors to exclude such pupil, or employee and prohibit his return to school until a certificate is presented from a physician or health officer stating that in his judgment such teacher, pupil, or employee is free from such disease and incapable of transmitting the same.

(c) Diseases in the home. No teacher, pupil, or employee shall be permitted to attend school while residing in a home or institution where there exists any of the following diseases in a communicable stage: Cholera, diphtheria, measles, meningococcus meningitis, plague, poliomyelitis, scarlet fever, smallpox, ty-

phus fever, whooping cough, yellow fever, unless the patient is properly isolated and the contacts immunized, such facts being attested by the physician in charge and approved by the local health officer without cost to the teacher, pupil or employee.

(d) Certificate for return. Unless otherwise excluded it shall be the duty of the teacher, principal, or board of directors of any school to exclude such person and to prohibit return thereto until a certificate is presented from a physician or the health officer stating that the person is incapable of transmitting such infection.

(6) Carriers, management of. Known carriers of communicable disease, unless otherwise specified, shall, for the purpose of these regulations, be considered and controlled as cases of the same disease. The health officer shall take such steps as are necessary to locate carriers, and shall institute such measures as are necessary either to rid the person of the carrier stage of his infection or prevent its transference to another.

(7) Securing laboratory specimens from typhoid fever and other carriers. Any person suspected of being in a condition such that diseases may be spread through his bodily excretions or discharges shall, on the request of the local health authority or an authorized agent of the State Department of Health submit to the State Department of Health specimens of such bodily excretions or discharges, in manner or amount, and at such intervals and under such supervision as is prescribed by the State Board of Health. If deemed necessary by the local or State Health Officer for the control of the spread of infection, supervision of the collection of specimens shall include temporary hospitalization at public expense.

(8) Contacts, management of. Persons who have been exposed to communicable disease shall be placed under quarantine restrictions as prescribed by these regulations and such additional restrictions as the local health officer may deem necessary; and they shall so remain until such time as they shall have passed the incubation period of the disease to which they were exposed or until it has otherwise been demonstrated

that they are incapable of transmitting infection.

(9) Doubtful cases, management of. Doubtful cases of communicable disease shall be placed in isolation pending diagnosis.

(10) Dead bodies. Bodies dead of dangerous communicable diseases shall not be accepted for transportation by common carriers except when thoroughly disinfected according to approved modern methods prescribed by the State Board of Health.

(11) Disinterred bodies. Except when ordered by court of competent jurisdiction no dead body shall be disinterred until application for disinterment has been filed with, or a permit secured from the local or State Health Officer. Such application for permit shall show the name of the deceased, date of death, date and place of burial, probable date of disinterment and of reburial, and shall be signed by a licensed embalmer showing his post office address and his license number and bearing his statement that the disinterment will be handled in accordance with the state statutes.

(12) Laundry. All articles of clothing, bed linen, dressings, and the like coming in contact with patients suffering with communicable disease shall not be laundered by persons and institutions doing public laundry until the articles have first been rendered non-infectious by terminal disinfection or chemical methods, provided, that this requirement shall not apply to hospital laundries.

(13) Milk, sale of. The sale of milk or other dairy products is prohibited (a) from premises upon which there exists the following communicable diseases: Anterior poliomyelitis, infectious gastro-intestinal diseases, diphtheria, dysentery, scarlet fever, septic throat, typhoid fever, or paratyphoid fever, unless the milking is performed and the dairy products and milking utensils are handled by persons entirely dissociated from the infected family, and the premises on which the family is confined; (b) from animals having abscess or running sores, actinomycosis, anthrax, foot or mouth disease, garget, tuberculosis, or other contagious or infectious disease, and from animals



within fifteen days before and ten days after parturition.

(14) Public assemblages. Whenever any communicable disease exists in any community, the health officer, in order to prevent the spread of such disease, may order the closure of schools and other places of public assemblage for such time as may be necessary, and it shall be the duty of the school officers and other responsible persons to comply with such orders. In case the necessity for such order is questioned, the State Board of Health may be appealed to for confirmation or revocation of the order.

**Sec. 4. Diseases in Animal Transmissible to Man.**

(1) Veterinarians shall report to the State Health Officer on forms supplied for the purpose all cases of actinomycosis, anthrax, foot and mouth disease, glanders, rabies, and tuberculosis coming to their notice, together with the name and address of human contacts.

(2) Local health officers shall take cognizance to these diseases and shall report their occurrence to either the State Veterinarian or the local Deputy State Veterinarian. A copy of such reports shall be sent to the State Department of Health. Pending the arrival of the State Veterinarian or one of his deputies, the local health officer or officers shall institute the control measures as promulgated by the State Board of Health and the Livestock Sanitary Commission.

**Sec. 5. State Board of Health May Adopt Special Measures.**

(1) Designate quarantine area. Whenever, in the opinion of the State Board of Health, ingress to or egress from certain areas of the State endanger the health of other areas or the State as a whole, said area may be designated as a quarantine area and shall be subject to such restrictions as the State Health Officer may impose.

(2) Emergency regulations. In case of any threatend or general epidemic or improperly controlled situation imperiling the public health, the State Board of Health may designate one or more members or representatives of the State Board of Health to investigate immediately and to take such action as is con-

sidered necessary, and within the authority of the State Board of Health. Such representatives shall use their discretion in such emergencies and may promulgate such regulations as may be necessary for that particular locality and for the duration of that emergency. Such regulations shall have the full force and effect of regulations officially adopted by the State Board of Health. When deemed advisable such representative may call upon the State Board of Health to assist in the investigation or to pass upon the regulations and procedures adopted.

(3) Power to investigate. Whenever it is reported that a representative of the State Health Officer has failed to perform his duties, an investigation may be made by the State Board of Health and action taken as prescribed by law.

(4) Special representative. In order to safeguard the health of the people and to prevent the introduction, occurrence, or spread of diseases dangerous to public health, the State Health officer may appoint any qualified physician or other qualified person, as the case may require, as his special representative, and may delegate to such person such duties as the State Health Officer may deem advisable.

(5) Must prepare rules and regulations. In order to protect the public health more effectively it is also hereby made the duty of the State Board of Health to prepare rules and regulations from time to time as new knowledge of disease control and prevention is developed, embodying such knowledge in control and preventive measures as vaccination, prophylaxis, quarantine, isolation, placarding, fumigation, disinfection, proper housing and plumbing, and sanitation, as seems advisable, and said Board of Health is hereby empowered to take such steps as may be necessary for putting into effect such rules and regulations as required by law.

(6) These rules not to prevent local rules. The power and duty of the State Board of Health to prepare rules and regulations shall not be construed to prevent any city, county, or town from establishing any quarantine or other control measures which they may deem necessary for

the preservation of the public health; provided, that such rules and regulations shall be consistent with the provisions of this Act and shall be subordinate to said provisions and the rules and regulations of the State Board of Health.

### CHAPTER III. General Sanitation.

Section 1. Conditions Specifically Declared to Constitute Public Nuisances. The following conditions are specifically declared to constitute public nuisances:

(1) Bakeries, restaurants, food markets, and other places where food is prepared, kept for sale, or served, not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that flies, rats, mice, or vermin are present.

(2) Spoiled or diseased meats, whether exposed and offered for sale, or being transported or kept for sale.

(3) Barns or stables, hogpens, chicken yards, or manure piles, or accumulations of organic materials so maintained as to be breeding places for flies.

(4) The discharge or exposure of sewage, waste waters, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(5) Privies not screened against flies in populous districts, and privies likely to pollute the ground or surface water from which water supply is obtained.

(6) Transportation of garbage, night soil, or other organic filth except in tight, covered wagons which prevent leakage or access to flies.

(7) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of a thousand feet (1,000) therefrom.

(8) Hide houses, bone boiling, or rendering establishments, or tallow soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(9) Buildings, filling stations, construction camps, camp houses, or any part thereof, which are in a dilapidated or filthy condition which

may endanger the life or health of persons living in the vicinity.

### Sec. 2. Abatement of Nuisances.

(1) Any local health officer upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any nuisance or pollution comes to his attention, shall within a reasonable time investigate and upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(2) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance should be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the local prosecuting attorney having jurisdiction. Copies of all orders shall be kept on file by the health officer in his office and copies of the same shall be furnished the county health officer or to the state health officer upon request.

(3) City and county health officers shall, within their several jurisdictions, examine into all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated, and cause to be removed all filth found which in their judgment may endanger the health of the inhabitants; and all expenses for the abatement or removal of such nuisances or filth shall be paid by the person responsible for same, if known, and if not known, by the town or city or county, as the case may be. When any such filth or nuisance shall be found on private property such officer shall notify the owner or occupant of such property to remove or abate the same at his expense, within such time as the officer shall direct, and if he shall neglect to remove it, he shall be fined not more than one hundred dollars and pay such expense and costs as shall be incurred by such removal or abatement; any health officer may enter all places within his jurisdiction where there is just cause to suspect any nuisance or sources of filth exist.

### Sec. 3. Privies, Cesspools, and other Receptacles for Domestic Sewage.

(1) All human excreta must be disposed of so as not to pollute the

soil, contaminate a water supply, be accessible to flies and other insects, or create a nuisance as hereinbefore set forth, in properly managed sewers, treatment tanks, chemical toilets, vaults or pit privies, or by other methods approved by the State Department of Health.

(2) No privy vault, cesspool or outside toilet shall hereafter be constructed within seventy-five feet of a well or of a human habitation other than, to which it is appurtenant without approval of the local or state health officer and no toilet shall be erected or maintained over any stream or on the banks thereof.

(3) No privy vault or cesspool hereafter shall be constructed or permitted to remain on any premises from which a public sewer is accessible unless otherwise provided by city ordinance.

(4) Every privy vault, cesspool or toilet shall be kept in a clean and sanitary condition at all times and should be so constructed and maintained as to prevent the escape of odors and to exclude animals, poultry, rodents, and flies.

(5) Unless the contents of a privy vault or cesspool are disposed of on the land of the owner of said vault or cesspool, a written permit must be secured from the local health officer for the transportation and disposal of such material. Said permit shall designate where and in what manner such material shall be disposed of.

(6) Material from any privy vault or cesspool or human excreta removed from any place shall not be deposited upon any watershed the water of which is used for drinking purposes, or within 300 feet of any highway unless buried or otherwise treated in accordance with the instructions of the local or state health officer.

(7) Sufficient and suitable privy or toilet accommodations, well lighted and ventilated and separated for each sex, shall be provided at public buildings, filling stations, camps, and all places of public assemblage.

(8) No kitchen waste, laundry water or sewage shall be allowed to discharge or flow into any gutter, street, roadway or public place.

(9) No human excrement or material containing human excrement

shall be disposed of in such manner that it is likely to gain access to any waters except under conditions approved by the local health officer or the state department of health.

#### Sec. 4. Garbage and Refuse.

(1) The owner of premises upon which persons reside or which are frequented for pleasure or business shall keep such premises free from accumulations of garbage, rubbish, rags, tin cans, paper, empty barrels, boxes, or any material which because of its character, condition, or improper storage may invite the breeding or collection of flies, mosquitoes, or rodents, or which may in any other manner prejudice the public health.

(2) In populous districts stable manure must be kept in a covered water-tight pit or receptacle and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

Sec. 5. Manufacturing and Other Wastes. No materials or waste products from any mill, factory, slaughter house, rendering or fertilizing works, junk establishments, common carriers, or other industry or utility, shall be stored or deposited so as to cause the surrounding atmosphere, land or water to be contaminated or polluted in such manner as to injure the public health or create offensive conditions.

#### Sec. 6. Keeping of Animals.

(1) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within 300 feet of any inhabited house or public meeting place on an adjoining property.

(2) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration, or other method approved by the local health officer.

Sec. 7. Public Dumps. Any person, firm, or corporation who uses or permits the use of any land as a public dump, shall provide for the

covering or incineration of all animal and vegetable matter deposited thereon, and for the disposition of other waste materials and rubbish in such a manner as not to create offensive odors, breeding places for insects or rodents, dissemination of dust or fires.

Sec. 8. Vacant or Abandoned Property. No person shall permit any vacant or abandoned property owned or controlled by him to be or remain in such a condition as to permit or invite the creation of a nuisance or other abuses prejudicial to the public health.

Sec. 9. Tourist Camp Grounds. No city, town, county, institution, person, firm, or corporation shall operate, maintain or offer for use or permit to be used, within the State of Texas any tract of land upon which persons may camp except after approval by the state health officer, local health officer, or any authorized deputy of either, approval being based on the following regulations:

(1) A water supply of satisfactory sanitary quality shall be provided in ample quantity to meet all requirements of the maximum number of persons using such a tract or tourist camp at any time. Said water supply shall be easily obtainable from its source or from a distributing system within a distance of not more than 300 feet of any camping spot within such tract.

(2) Any water found unsafe for human consumption on such tract of land shall either be eliminated or purified, or shall be kept posted with placards definitely warning persons against its use.

(3) Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the state department of health shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one toilet seat for each 25 men, and one for each 25 women, or fraction thereof, of the maximum number of persons occupying such tract at any time. No camp within such tract shall be at a greater distance than 400 feet from both men's and women's toilet. The location of all toilets shall be plainly indicated by signs.

(4) Supervision and equipment sufficient to prevent littering of the grounds with rubbish, garbage, or

other refuse shall be provided and maintained. Fly-tight and water-tight depositories for such material shall be provided and conspicuously located. Every camp on said tract shall be within a distance of not over 200 feet of such depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(5) The method of final sewage or refuse disposal utilized in connection with the operation of a camp shall be such as to create no nuisance.

(6) The management of every public camp or tourist camp shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly prosecute or eject from such ground any person who willfully or maliciously damages such appliances, or any person who in any way fails to comply with these regulations.

(7) All camp sites shall be adequately drained to prevent the accumulation of stagnant water or provide breeding places for mosquitoes.

(8) All food offered for sale at such camp sites shall be adequately protected against flies, dust, or vermin.

(9) All camp rooms and bedding shall be thoroughly cleaned after each occupancy.

(10) Failure to comply with the foregoing regulations shall be deemed sufficient cause for declaring the premises or camp a nuisance under the provisions of this law.

(11) These regulations shall be printed and kept posted in a conspicuous place in any such camp by the management of such ground.

Sec. 10. Schoolhouses. In every public, private, and parochial school, toilet accommodations, water supply, drinking cups, washing facilities, heating, and ventilation shall be maintained in sanitary conditions.

(1) Whenever it shall be found by the State Department of Education or by the local school board, or by any member of the school committee of the town in which any schoolhouse is located, that further or different sanitary provisions or means of lighting or ventilating are required in any schoolhouse, and that the same can be provided without unreasonable expense, either of said boards, or such member of the

town school committee may recommend to the person or authority in charge or controlling such schoolhouse such changes in the ventilation lighting, or sanitary arrangements of such schoolhouses as they deem necessary. In case such changes be not made substantially as recommended within two weeks from the date of notice thereof, such board or member of the committee may make complaint to the proper health authority of the community in which the schoolhouse is located, which said authority shall, after notice to and hearing of the parties interested, order such changes made in the lighting, ventilation, or sanitary arrangements of such schoolhouses as it may deem necessary and proper.

(2) The committee having charge of the schools in towns or school districts shall maintain water-closets or privies for the accommodation of the pupils attending the schools therein. When such waterclosets or privies are constructed in the same building or under the same roof, and in close proximity to each other, they shall be constructed with a solid partition made of brick, stone, cement, concrete, or metal, or by a double wooden partition with at least four inches air-space between the two walls of said partition, so as to effectively separate the water-closets or privies designated for the use of boys from those designated for the use of girls. In case of community conflict, all matters under dispute may be referred to the State Board of Health, whose decision shall be final.

Sec. 11. Stagnant Water. No person shall maintain or permit to be maintained any pond, cesspool, well, cistern, rain barrel, or other receptacle containing water or accumulation of stagnant water in such condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

Sec. 12. Sanitation of Watersheds.

(1) No cesspool, privy or other place for the deposit or storage of human excrement shall be located within 100 feet of the high water mark of any reservoir, stream, brook or watercourse, flowing into any reservoir used for drinking purposes provided said distance of 100 feet does not apply to area beyond 3 miles from normal shore line of any reservoir or as may be excepted by

the state health officer. Toilets constructed on watersheds must be so constructed as to insure against any portion of the contents reaching the stream or reservoir.

(2) No house slops, sink wastes, or other polluted matter shall be discharged on the ground or into the ground within 50 feet of the high water mark of any watercourse or reservoir as above mentioned and no house slops, sink wastes, or other polluted water shall be thrown on the ground within 250 feet of such waters.

(3) No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is allowed to accumulate, shall be located within 500 feet of the high water mark of such waters unless provision is made for preventing manure or other polluting materials from flowing or being washed into such waters.

Sec. 13. Swimming Pools. The following regulations shall apply to any swimming pool used by any considerable number of persons other than the immediate family of the owner or proprietor.

(1) The bacterial content of the water in swimming pools shall be maintained so that not more than ten per cent of samples covering any considerable period of time shall exceed 100 bacteria per cubic centimeter when placed on agar or on litmus agar, at 37 degrees Centigrade and not more than two out of five consecutive samples collected on different dates shall show a positive test in ten cubic centimeters of water for B. Coli. A residual of from 0.2 to 0.5 parts per million of chlorine shall be maintained in public swimming waters at all times while in use.

(2) Whenever alum or sulphate of aluminum is used during purification or re-purification of swimming pool waters, the water at all times when the pool is in use shall show an alkaline reaction. Whenever an alkaline reagent is added to a swimming pool, such water shall at no time show a reaction for caustic alkalinity.

(3) The dressing rooms, hallways, toilet rooms, shower rooms, or other rooms to which patrons of bath houses shall have access shall be kept clean and well ventilated at all times. No combs or brushes for common

use shall be provided for the use of patrons.

(4) Facilities shall be provided for adequately protecting the pool against unnecessary sputum contamination by bathers.

(5) All persons known or suspected of being afflicted with communicable diseases shall be excluded from the pool.

(6) The construction and appliances shall be such as to reduce to a practical minimum danger of drowning and of injury to bathers from falls or collisions. No swimming pools shall hereafter be constructed except after the plans are approved by the local or state department of health.

(7) All bathing suits and towels furnished to patrons shall be thoroughly washed with soap and hot water and boiled ten minutes and thoroughly rinsed and dried after each use.

#### Sec. 13. Common Towel and Common Drinking Cup.

(1) All towels except paper towels provided by any hotel or rooming house for the use of guests therein, or by any public lavatory shall not be furnished for subsequent use until thoroughly washed, boiled, and dried. Each guest occupying a room in any hotel shall be furnished with such towels in such room; and in the public wash room, if any, in such hotel or rooming house, there shall be kept at all times, in sight and of easy access to guests, a sufficient supply of individual towels.

(2) It shall be unlawful to provide a common drinking cup in or upon the premises of any public building, hotel, restaurant, theatre, public hall, school house, or store, and in any public park or at any fair grounds or other places of public assemblage, on any street, railroad station, railroad car, or steamboat. All drinking fountains shall meet the sanitary requirements of the State Department of Health.

Sec. 14. Cross Connections Between Water Supplies. After December 31, 1930, no physical connection between the distribution system of a public water supply and that of any other water supply shall be permitted, unless such other water supply is of safe sanitary quality and the interconnection of both supplies is approved by the State Department of Health.

No officer, board, corporation, or other person or group of persons, owning or having the management or control of any portable water supply furnished to any municipality or water district, shall supply water to any person, firm, or corporation who maintains such connection.

Provided: That where such physical connection exists and includes two gate valves with indicator posts, two check valves of a design approved by the State Department of Health with drip cock and gauges for testing, all located in a vault of water-tight construction readily accessible for periodic inspection, the date of discontinuance may be temporarily extended, with the permission of the State Department of Health.

Sec. 15. Permissible Arrangements Where Dual Supplies are Use. If a portable water supply is used as an auxiliary supply delivered to a tank, which tank is also supplied with water from a source with which cross connections are not permitted by Regulation 14, such tank shall be open to atmospheric pressure and the potable water supply shall be supplied above the maximum level of the water in the tank. The overflow shall be of adequate size to fix definitely the maximum level.

If the auxiliary water supply is secured from a tank supplied only from a potable water supply and directly connected to a potable water supply, such tank shall be so constructed as to avoid any possible contamination of the water in the tank.

Sec. 16. No water shall be used or rendered available for drinking and for other personal or domestic uses in any industrial plant, unless such supply is of safe sanitary quality approved by the state department of health. If a water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for drinking purposes, this supply shall be distributed through an independent piping system having no connection with the systems for drinking and for other domestic use.

Sec. 17. Those Supplying Water for Human Consumption Responsible. No owner, agent, manager, or operator having charge of any water works furnishing water for public or private use shall knowingly furnish contaminated water or permit the

appliances thereof to become filthy or in such condition as to impair the purity or healthfulness of the water thus supplied.

Sec. 18. Every owner or manager of a water plant located in cities of over 50,000 population shall arrange to have the water tested daily as to its sanitary quality and furnish the state department of health with monthly reports thereon. Specimens of water shall be submitted at least once each month to the state department of health for analysis by the owner or manager of every water plant or water supply from which water for public or private use is furnished.

Sec. 19. Approval of Plans Required for Water Supplies and Sewerage Systems. No system of water or sewerage for public use, which affects or tends to affect public health, shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, together with such information as the state department of health may require, have been submitted in duplicate and approved by the said department so far as relates to their sanitary features. All construction shall take place in accordance with the plans as approved, whether with or without modification.

Sec. 20. Whenever any governing body of any municipality having charge thereof shall determine that there shall be any material change in the plans, construction or operation of any such system, such governing body shall submit to the state department of health, in duplicate, a detailed statement of such action and such contemplated changes before it shall enter upon the making of such changes or enter into any contract thereof or any part thereof, and then such changes shall only be made after approval as to all matters liable to effect public health, by the state department of health.

Sec. 21. Pollution of Water and Action by State Department of Health. No sewage or other matter that will impair the sanitary quality, potability, or palatability of water or adversely affect its usefulness for stock drinking, fish life, agriculture,

or domestic purposes shall be deposited where it will fill or drain into any pond or stream used as a source of water supply for domestic use. The state department of health shall have general charge of all springs, wells, ponds, and streams so used, and shall take all necessary and proper steps to preserve the same from such pollution as may endanger the public health or create a nuisance. In case of violation of any of the provisions of this Section, the department may, with or without a hearing, order any person to desist from causing such pollution, and to comply with such direction of the department as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

Sec. 22. Within five days after service of such order, any person aggrieved thereby may appeal to the district court of the county on which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted, and determined in the manner provided for such suits in such courts. During the pendency of such appeal, the pollution against which the order has been issued shall not be continued, and upon violation of such order the appeal shall forthwith be dismissed.

Sec. 23. Manufacture and Handling of Ice. No person except officers, employees or others whose duties require shall be permitted to go upon the platform covering the tanks in which ice is frozen in ice factories. All employees whose services are required on tanks shall use extra foot-wearing apparel while on the tank platform.

Sec. 24. Ice contaminated with sand, dirt, cinders, lint, or any foreign substance shall not be retailed on the streets or offered for sale from wagons when the same is to be used for residential purposes of human consumption. This section shall not apply when ice of this character is used for large storage plants or storage places where food is stored in bulk.

Sec. 25. All water used in the manufacture of ice shall be of a quality coming within the standards of the state department of health for potable water and the water supplies

used by ice plants shall be subject to the approval of the state department of health.

#### CHAPTER IV. Sanitation of Public Fair Grounds.

Section 1. No public fair grounds shall be used except after full and literal compliance with the following regulations:

(1) Water Supply. Any water supply available for drinking and washing dishes on the fair ground shall be of safe sanitary quality. Any water found unsafe for human consumption on such grounds shall either be eliminated or purified by a process approved by the State Department of Health or shall be kept posted with placards definitely warning against its use.

(2) Disposal of Excreta. Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the State Department of Health shall be provided and shall be maintained in a clean and sanitary condition. Separate installations for men and for women shall be provided and they shall be adequate for the accommodation of all persons attending or using the fair grounds. The location of all toilets shall be plainly indicated by signs.

(3) Disposal of Refuse. Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. These depositories and any final places of disposition shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(4) Storage and Service of Food. All foodstuffs stored or exposed for sale must be protected from flies and dust by suitable covers. The term "foodstuffs" includes both raw and cooked foods, candy and any other food not sold in single service fly-tight, containers, except food in the process of cooking.

Single service cups, dishes, spoons, and drinking straws shall be protected from flies and dust. All glasses, cups, spoons or dishes that are used repeatedly shall be subjected to cleansing with hot water and soap, and then rinsing in clean

hot water, or by other process approved by the local health officer or the state health department before being reused.

(5) Drinking Beverages. All drinking beverages not bottled must be kept in fly-tight containers, from which the liquid may be removed only by faucets.

#### CHAPTER V. Sanitation of Oyster Shucking Houses and Shellfish.

Section 1. Oyster Shucking Houses. No person, firm or corporation shall operate or conduct an establishment for the shucking of oysters within the State of Texas until it has been inspected by the state department of health.

Application for such inspection shall be made in writing by the person, firm, or corporation submitting the application. All certificates of inspection shall be posted in a conspicuous place in the shucking plant.

Sec. 2. Sanitation of Buildings and Equipment. Every building or room used as a shucking house shall be constructed and equipped as hereinafter provided and the operations carried on in such building or rooms shall be conducted in such manner that the purity and wholesomeness of the shellfish handled therein shall not be impaired, provided, that all oysters offered for sale, either wholesale or retail, specified herein.

(1) All rooms in which shucked oysters are packed, stored, washed or otherwise handled shall be screened and shall be separate and apart from the room in which the oysters are opened. Such rooms shall be provided with smooth, tight floors which can be readily cleaned. The side walls of such rooms must be constructed of smooth, hard material. All parts of such rooms shall be kept in a clean condition at all times, shall be adequately lighted and ventilated, and shall be provided with an abundant supply of hot and cold water. All shucking houses must be provided with adequate drainage to lead all waste liquids outside of the building and into a suitable sewer or cesspool, or to some other point where they can be disposed of by not emptying into any stream in which shellfish are grown for consumption or are floated.

(2) Shucking benches construct-



ed of smooth, hard material which can be readily cleansed must be provided, and such benches shall be kept in a clean condition.

(3) Suitable receptacles must be provided for shells and waste material and located conveniently to the benches where oysters are shucked.

(4) All utensils and containers in which shucked oysters are placed must be of such material and construction as to be readily cleaned. They must be thoroughly cleansed and scalded immediately before being used. Knives used by shuckers must be subject to the same treatment.

Sec. 3. Packing and Icing of Oysters. Untreated, shucked, oysters offered for shipment must be packed in closed containers and thoroughly iced. Oysters must not be packed in contact with ice.

Sec. 4. Shipping of Oysters. Shucked oysters must be shipped the same day they are opened unless stored at a temperature of 45 degrees F. or below, or packed in shipping containers and thoroughly iced. Cans in which shucked oysters are shipped must not be used a second time for this purpose unless the type of container has been approved by the state department of health and the containers must be cleansed and sterilized immediately before filling.

Sec. 5. Water Supply. All shucking houses shall be provided with running water secured from a source satisfactory to the state department of health. Soap and clean individual towels shall be provided to enable employees to wash their hands. Employees shall be required to wash their hands before beginning work and after visiting the toilet.

Sec. 6. Clean Clothing Required. The outer clothing worn by persons engaged in shucking oysters shall be of material which can be readily cleansed and clean garments shall be used daily.

Sec. 7. Persons with Infectious Wounds. No person with infectious wounds in the hands or arms shall be permitted to open or handle oysters.

Sec. 8. Health Certificates Required. All persons engaged in the opening, packing or handling of shucked oysters must secure a certificate from the state department of

health showing, if deemed necessary by the inspector or local health officer, that bacteriological examination of specimens of urine and feces from the respective persons were negative for typhoid bacilli and paratyphoid bacilli. Certificates must be renewed each year and after an illness of typhoid fever or suspected typhoid fever. No person shall be employed as a shucker unless he holds such a certificate.

Sec. 9. Handling of Shellfish. No oysters or clams shall be sold in the State of Texas for food unless taken from areas certified by the State Department of Health, or if taken from outside sources, from such areas as are approved by the State authority having jurisdiction.

Sec. 10. Floating of Oysters. The floating, laying out or storing of oysters intended for use as food shall not be permitted in water of a less salt content than that in which oysters will naturally grow to maturity.

Sec. 11. Disposal of Sewage on Vessels. Owners of all vessels in which men work continuously for more than two hours and who are engaged in the handling of oysters or clams from the planting grounds or in the vicinity of floats upon which oysters are or may be laid out, must provide their vessels with suitable receptacles in which the excreta, both solids and liquids, of persons using such boats shall be received and the contents of such receptacles shall be disposed of either by the sewerage system of a municipality or by incineration or by burial in the ground at points sufficiently removed from the banks of streams to prevent the pollution of the waters thereof.

Sec. 12. Disposal of sewage from vessels. The discharge of human waste from any boat into the waters directly over or adjacent to areas on which oysters are being produced for market is prohibited.

#### Chapter VI. Slaughter House Sanitation.

Section 1. Slaughter Houses Regulated. Every slaughter house or place where the business of slaughtering beef, poultry, or swine or preparing the same for market, is carried on, and the implements, utensils, and appliances used therein, shall at all times be kept in a clean

and sanitary condition as herein specified:

(1) Hogs prohibited. All pens and enclosures connected with any slaughter house must be kept in a sanitary condition, and no hogs or other animals shall be kept within 100 feet of any slaughter house.

(2) Disposal of offal and refuse. All offal, refuse, and waste material shall be disposed of in a sanitary manner within twenty-four hours after slaughtering.

(3) Disposal of waste waters. All waste water must be carried at least 100 feet away from the slaughter house. The floors must be thoroughly washed each day after the slaughtering is completed and the effluvia shall not be allowed to drain underneath the building or collect in pools nearby, nor shall the effluvia be conducted into any stream or pond or allowed to contaminate the waters thereof, or to contaminate any well whose waters are used in connection with the slaughter house or for domestic purposes.

(4) Water supply. An adequate water supply, both hot and cold, must be provided and arranged so as to permit a thorough washing of walls, floors, and equipment of the slaughter house.

(5) Disposal of fat and bones. All bones and fat must be placed in covered containers and removed from the slaughtering room within twenty-four hours.

(6) Hides and pelts. Hides and pelts shall not be stored on the floor of any room used for slaughtering, storing, or preparing meats or meat food products.

(7) Meat Handlers. All persons who handle meats or meat food products shall be free of communicable disease and shall be required to keep their hands clean while in service, and to wear clean outer clothing.

(8) Where slaughtering is permitted. No slaughtering shall be done in barns, sheds, shipping pens, or other buildings not designed or suitable for the slaughtering of animals, and the handling, dressing, cooling of meats; nor shall any slaughtering be done outside of any building, except in rural districts and for private consumption.

(9) Cooling and storage rooms provided. Slaughter houses shall be provided with a cooler or ice box for the proper cooling and chilling of

meats when the carcasses are to remain in the slaughter house for a greater length of time than twelve hours into which the carcasses shall be placed immediately after being slaughtered and kept until removed from premises. Cooling and storage rooms must be properly ventilated.

(10) Protection from flies. All rooms where animals are killed or where meat is handled or displayed or kept for any length of time must be completely screened at all doors, windows, and other openings and properly protected from flies.

Sec. 2. Construction of rooms and floors. (1) The floors shall be of brick, concrete, or other hard impervious material and properly sloped to outlets covered with removable grating, the bars of which shall not be more than one-half inch apart. All rooms must be properly ventilated and well lighted.

(2) The walls must be covered or made to a height of seven feet with concrete at least three inches thick or other approved impervious material.

Sec. 3. Sterilization of Apparatus. All apparatus, containers, and implements used must be thoroughly cleansed after using with boiling water, live steam, or other efficient sterilizing agent subject to the approval of the health officer.

Sec. 4. Sanitation of vehicles. All carts or other vehicles in which meat or meat products or fish are transported, peddled, or delivered shall be so constructed as to protect the meat from contamination by flies, dust, or other extraneous matter, and must be washed daily and maintained in a sanitary and cleanly condition.

Sec. 5. Sanitation of yards. All yards, fences, pens, chutes, and alleys, whether used or not, shall be kept in a sanitary condition.

Sec. 6. Meats must be kept off floors. Meat must be placed on racks, hooks, tables, or in suitable containers, and shall never be placed on the floor.

Sec. 7. Toilets to be provided. Toilets must be provided for the use of employees, the type and location to be approved by the health officer.

Sec. 8. Alteration of existing slaughter houses. New slaughter houses or repairs of existing slaughter houses shall be constructed ac-

cording to plans approved in writing by the local or state health officer.

#### Chapter VII. Sanitary Code for Common Carriers.

##### Transportation of Persons Having Communicable Diseases.

Section 1. Persons not allowed to travel. No person knowing or suspecting himself to be afflicted with plague, cholera, smallpox, typhus fever, or yellow fever shall apply for, procure or accept transportation in any railway train, car, or other conveyance of a common carrier; nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted.

Sec. 2. Persons not accepted for travel. Common carriers shall not accept for transportation in any railway train, car, or other conveyance any person known by them to be afflicted with any of the diseases enumerated in Section 1, unless otherwise ordered by the State Health Officer.

Sec. 3. Restricted travel. Common carriers shall not accept for transportation on any railway train, car, or other conveyance any person known by them to be afflicted with diphtheria, measles, scarlet fever, epidemic cerebrospinal meningitis, anterior poliomyelitis, mumps, whooping cough, influenza, pneumonia, epidemic encephalitis, septic sore throat, rubella, or chicken pox, or any person known to be a carrier of these diseases, unless such person is placed in a compartment separate from other passengers, is accompanied by a properly qualified nurse or other attendant, and unless such nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment within which the patient is traveling shall be so restricted to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and be-

fore being allowed to leave the compartment.

(c) All sputum and nasal discharges from the patient shall be received in gauze or paper, which shall be deposited in a paper bag or in a closed vessel, and shall be destroyed by burning.

(d) Said nurse or attendant shall after performing any service to the patient, at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

Sec. 4. Typhoid and dysentery. Common carriers shall not accept for transportation on any railway train, car, or other conveyance, any person known by them to be afflicted with typhoid fever, paratyphoid fever, or dysentery, unless said person is placed in a compartment separate from the other passengers, is accompanied by a properly qualified nurse or other attendant, and unless said nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment in which the patient is traveling shall be limited to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All urine and feces of the patient shall be received into a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, placed in a covered vessel, thoroughly mixed, and allowed to stand for at least two hours after the last addition thereto before being emptied.

(d) A sheet of rubber or other impervious material shall be carried and shall be spread between the sheet and the mattress of any bed that may be used by the patient while in transit.

(e) Said nurse or attendant shall use all necessary precautions to prevent the access of flies to the patient or his discharges, and after performing any service to the patient, shall at once cleanse the hands by washing them in a 2 per cent

solution or carbolic acid or other fluid of equivalent disinfecting value.

(f) Provided, that if a person with typhoid fever or dysentery is presented at a railway station in ignorance of these regulations, and his transportation is necessary as a life-saving or safe-guarding measure, an emergency may be declared and the patient may be carried a reasonable distance in a baggage car if accompanied by an attendant responsible for his care and removal: Provided, also, that regulations (a), (b), (c), (d), and (e) of this Section shall be complied with in so far as the circumstances will allow, and that all bedding, clothing, rags, or cloths used by the patient shall be removed with him: and, Provided further, that any parts of the car which have become contaminated by any discharge of the patient shall be disinfected as soon as practicable, but not later than the end of the run, by washing with a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, under the direction of the health officer.

Sec. 5. Restricted application for transportation. No person knowing or suspecting himself to be afflicted with any of the diseases mentioned in Sections 3 and 4 shall apply for, procure, or accept transportation in any railway train, car, or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted, unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the regulations set forth in said Sections 3 and 4.

Sec. 6. Suspected cases. If a conductor or other person in charge of a railway train, car, or other conveyance of a common carrier, or agent or other person in charge of a railway station, shall have any reason to suspect that a passenger or a person contemplating passage is afflicted with any of the diseases enumerated in Sections 1, 3, and 4, he shall notify the nearest health officer, or company physician, if the health officer is not available, by the quickest and most practicable means possible, of his suspicions,

and said health officer or physician shall immediately proceed to the railway station, train, car or other conveyance at the nearest possible point, to determine whether such disease exists.

Sec. 7. Disposition. If the health officer or physician, as provided for in Section 6, shall find any such person to be afflicted with any of the diseases enumerated in Sections 1, 3, and 4, he shall remove such person from the station or conveyance, or shall isolate him and arrange for his removal at the nearest convenient point; shall treat the car or other conveyance as infected premises, allowing it to proceed to a convenient place for proper treatment if in his judgment consistent with the public welfare, in such case notifying the health officer in whose jurisdiction the place is located; and shall take such other measures as will protect the public health: Provided, that if not prohibited in Sections 1 and 2 of these regulations pertaining to the disease with which he is afflicted.

Sec. 8. Leprosy. Common carriers shall not accept for transportation nor transport in any railway train, car, or other conveyance, any person known by them to be afflicted with leprosy, unless such person presents permits from the Surgeon General of the United States Public Health Service or his accredited representative, and from the State Department of Health of the States from which and to which he is traveling, stating that such person may be received under such restrictions as shall be specified in each instance; and no person knowing or suspecting himself to be afflicted with leprosy, nor any person acting for him, shall apply for, procure, or accept transportation on any common carrier unless such permits have been received and are presented, and unless the person so afflicted agrees to comply and does so comply with the restrictions ordered. If any agent of a common carrier suspect that any person in a train, car, or other conveyance, or at a railway station is afflicted with leprosy, he shall proceed as directed in the case of other suspected diseases in Sections 6 and 7 of these regulations.

Sec. 9. Pulmonary tuberculosis. Common carriers shall not accept

for transportation any person known by them to be afflicted with pulmonary tuberculosis in a communicable stage unless said person is provided with (a) a sputum cup made of impervious material and so constructed as to admit of being tightly closed when not in use, (b) a sufficient supply of gauze, papers, or similar articles of the proper size to cover the mouth and nose while coughing or sneezing, (c) a heavy paper bag or other tight container for receiving the soiled gauze, paper, or similar articles; and unless such person shall obligate himself to use the articles provided for in the manner intended and to destroy said articles by burning or to disinfect them by immersing for at least one hour in a 5 per cent solution of carbolic acid or other solution of equivalent disinfecting value; nor shall any person knowing himself to be so afflicted apply for, procure, or accept transportation unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the regulations as set forth in this Section.

Sec. 10. Conveyances vacated by infected persons. Immediately after vacation by a person having any of the diseases mentioned in Sections 1, 3, 4, and 8, any berth, compartment, or stateroom should be closed and not again occupied until properly cleaned and disinfected, and all bedding, blankets, and linen in any such place should be laundered or otherwise cleansed and disinfected before being again used.

#### Water and Ice Supplies.

Sec. 11. Water to be certified. Water provided by common carriers for drinking or culinary purposes in railway trains, cars, or other conveyances, or in railway or bus stations, shall be taken from supplies certified by the United States Public Health Service as meeting the required standards of purity and safety prescribed by the Interstate Quarantine Regulations of the United States.

Sec. 12. Ice. Ice used for cooling water provided as in Section 11 shall be clear natural ice, ice made from distilled water, or ice made from water certified as aforesaid; and before the ice is put into the water it shall be washed with water of known safety, and handled in

such a manner as to prevent its becoming contaminated by the organisms of infectious diseases. Provided, that the foregoing shall not apply to ice that does not come in contact with the water to be cooled.

Sec. 13. Water containers. Water containers in newly constructed cars shall be constructed so that the ice for cooling does not come in contact with the water to be cooled: Provided, that after July 1, 1930, all water containers in cars shall be so constructed that ice does not come in contact with the water.

Sec. 14. Care of water containers. All water containers where water and ice are put into the same compartment shall be thoroughly cleansed at least once in each week that they are in use. All water containers and water storage tanks shall be thoroughly drained and flushed at intervals of not more than one month.

Sec. 15. Filling water containers. Portable hose or tubing that is used for filling drinking-water containers, or car storage tanks from which such containers are filled, shall have smooth, metal nozzles which shall be protected from dirt and contamination; and before the free end or nozzle of said hose or tubing is put into the water container or car storage tank, it shall be flushed and washed with a plentiful stream of water.

#### Cleaning and Disinfection of Cars.

Sec. 16. General. All railway passenger cars or other public conveyances shall be kept in a reasonably clean and sanitary condition at all times when they are in service to be insured by mechanical cleaning at terminals and lay-over points.

Sec. 17. Cleaning. All day coaches, parlor cars, buffet cars, dining cars, and sleeping cars shall be brushed, swept, and dusted at the end of each round trip, or at least once in each day they are in service, and shall be thoroughly cleaned at intervals of not more than seven days.

Sec. 18. Thorough cleaning. Thorough cleaning shall consist of scrubbing the exposed floors with soap and water; similarly scrubbing the toilets and toilet room floors; wiping down the woodwork with moist or oiled cloths; thorough dusting of upholstery and carpet

by beating and brushing, or by means of vacuum process or compressed air; washing or otherwise cleaning windows; and thorough airing of the car and its contents.

Sec. 19. Odors in Cars. When offensive odors appear in toilets or other parts of the car which are not obliterated and removed by cleaning as in Section 18, said toilets or other parts of the car shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substances.

Sec. 20. Vermin in Cars. When a car is known to have become infested with bedbugs, lice, fleas, or mosquitoes, such car shall be so treated as to effectively destroy such insects, and it shall not be used in service until such treatment has been given.

#### Cars in Service.

Sec. 21. Cleaning. The cleaning of cars while occupied shall be limited to the minimum consistent with the maintenance of cleanly conditions, and shall be carried out so as to cause the least possible raising of dust or other annoyances to passengers.

Sec. 22. Sweeping. Dry sweeping of the interior of a car in transit with an ordinary broom is prohibited.

Sec. 23. Dusting. Dry dusting of the interior of a car in transit is prohibited.

Sec. 24. Brushing. The brushing a passengers' clothes in the body of the car in transit is prohibited.

Sec. 25. Drinking cups. Individual drinking cups in sufficient number shall be supplied in all cars, and the use of common drinking cups is prohibited.

Sec. 26. Towels. The supplying of roller towels or other towels for common use in cars is prohibited.

Sec. 27. Comb and brush. The supplying of combs and brushes for common use in cars is prohibited.

Sec. 28. Spitting. Spitting on the floors, carpets, walls, or other parts of cars by passengers or other occupants of them is prohibited.

Sec. 29. Cuspidors. adequate supply of cuspidors shall be provided in all smoking cars, and smoking compartments of cars while in service, if the passenger so desires. Such cuspidors shall be cleaned at the

end of each trip and oftener if their condition requires.

Sec. 30. Brushing of teeth. Spitting into, blowing the nose into, or brushing the teeth over wash basins in cars is prohibited. Separate basins for brushing the teeth shall be provided in the wash rooms of sleeping cars.

Sec. 31. Drinking water and ice. Drinking water and ice on railway cars shall be supplied in accordance with the conditions set forth in Sections 11, 12, 13, 14, and 15 of these regulations.

Sec. 32. Ventilation and heating. All cars when in service shall be provided with an adequate supply of fresh air and in cold weather shall be heated so as to maintain comfort. When artificial heat is necessary, the temperature should not exceed 70°F., and in sleeping cars at night after passengers have retired, it should not exceed 60°F.

Section 33. Toilets in cars. A proper toilet room and lavatory shall be provided in all railway passenger cars for the use of their occupants. Such toilets shall be supplied with toilet paper, soap, and free or pay clean towels, and shall be kept in a clean and sanitary condition. Provided, that cars used exclusively in suburban service are not required to be so equipped.

Sec. 34. Toilets to be locked. The toilet rooms in all railway cars shall be locked or otherwise protected from use while trains are standing at stations, passing through cities, or passing over watersheds draining into reservoirs furnishing domestic water supplies, unless adequate water-tight containers are securely placed under the discharge pipe. The State Health authority having jurisdiction shall designate the area of watersheds that may be affected by pollution from railroads, and shall notify the managing officers of railroads as to the points between which all toilets shall be locked.

Sec. 35. Lavatories in dining cars. A lavatory shall be provided in all dining cars for use of dining car employees, and the same shall be supplied with soap and clean towels, and shall be kept in a clean and sanitary condition. Such lavatory shall have no direct connection with the kitchen, pantry, or other place

where food is prepared. The word "dining car" as used in these regulations shall be held to include all cars in which food is prepared and served.

Sec. 36. Dining cars to be screened against the entrance of flies and other insects, and it shall be the duty of the dining car employees to destroy flies or other insects that may gain entrance.

Sec. 37. Dining car employees to cleanse hands. Dining car employees shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Sec. 38. Care of tableware. All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in dining cars shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 39. Food containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in dining and buffet cars shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 40. Food and Milk. No spoiled or tainted food, whether cooked or uncooked, shall be served in any dining car; and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 41. Garbage. Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in dining cars to care for all refuse food and other wastes, and such wastes shall not be thrown from the car along the right of way within the limits of cities, towns, or villages, or within drainage areas furnishing domestic water supplies.

Sec. 42. Dining car inspection. The person in charge of the dining car shall be responsible for compliance with all dining car regulations, and he shall make an inspection of the car each day for the purpose of maintaining a rigorous cleanliness in all portions thereof.

Sec. 43. Examination of food handlers. No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of

food in a dining car who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

#### Railway Stations and Bus Stations.

Sec. 44. General. All railway and bus stations, including their waiting rooms, lunch rooms, restaurants, wash rooms, and toilets, shall be kept in a clean and sanitary condition at all times, to be insured by mechanical cleaning at regular intervals.

Sec. 45. Cleaning. All waiting rooms and other rooms used by the public shall be swept and dusted daily; and at intervals of not more than seven days the floors shall be scrubbed with soap and water, and the seats, benches, counters, and other woodwork shall be similarly scrubbed, or shall be rubbed down with a cloth moistened with oil.

Sec. 46. Sweeping. If sweeping is done while rooms are occupied or open to occupancy by patrons, the floor shall be first sprinkled with wet sawdust or other dust-absorbing material.

Sec. 47. Dusting. If dusting is done while rooms are occupied or open to occupancy by patrons, it shall be done only with cloths moistened with water, oil, or other dust-absorbing material.

Sec. 48. Spitting. on the floors, walls, seats, or platforms of railway or bus stations is prohibited.

Sec. 49. Cuspidors. In all waiting rooms where smoking is permitted, an adequate supply of cuspidors shall be provided; such cuspidors shall be cleaned daily and oftener if their condition requires.

Sec. 50. Common cups. Individual drinking cups in sufficient number shall be supplied in all stations, and the use of common drinking cups is prohibited.

Sec. 51. Common towels. The supplying of roller towels or other

towels for common use in railway stations is prohibited.

Sec. 52. Combs and brushes. The supplying of combs and brushes for common use in railway stations is prohibited.

Sec. 53. Toilet facilities. All railway and bus stations where tickets are sold shall provide adequate toilet facilities, of a design approved by the State Department of Health, for the use of patrons and employees; and there shall be separate toilets for each of the two sexes.

Sec. 54. Station toilets. If a railway or bus station is located within 300 feet of a public square, water flushing toilets shall be installed and permanently connected with such sewer, and a wash basin or basins shall be located near the toilet and similarly connected; and such toilets and lavatories shall be kept in repair and in good working order at all times.

Sec. 55. Care of toilets. All toilets installed as set forth in Section 54 shall be cleaned daily by scrubbing the floors, bowls, and seats with soap and water.

Sec. 56. Odors in toilets. When offensive odors appear in toilets which are not obliterated and removed by cleaning as in Section 55, said toilets shall be treated with a two per cent solution of formaldehyde or other odor-destroying substances.

Sec. 57. Toilet supplies. Toilets and wash rooms installed as set forth in Section 54 shall be constantly furnished with an adequate supply of toilet paper, soap and free or pay clean towels.

Sec. 58. Privies. If no sewer connection is available as set forth in Section 54, a sanitary privy of a design approved by the State Department of Health shall be maintained within a reasonable distance from the station. Such privy shall be adequately protected against the entrance of flies, shall be kept supplied with toilet paper, the seats shall be kept clean and the vaults shall be treated with sodium hydrate or other approved disinfectant at least once in each week and shall be cleaned out and emptied at such intervals as will avoid the development of a nuisance.

Sec. 59. Drinking water and ice. Drinking water and ice in railway and bus stations shall be supplied in

accordance with Sections 11, 12, 13, 14, and 15 of these regulations.

Sec. 60. Water not usable for drinking. If water which does not conform to the standards set forth in Section 11 of these regulations is available at any tap or hydrant or in any railway or bus station, a notice shall be maintained on each such tap or hydrant which shall state in prominent letters, "Not fit for drinking."

Sec. 61. Drinking fountains. If drinking fountains of the bubbling type are provided in any railway or bus station, they shall be so made that the drinking is from a free jet projected at an angle to the vertical and not from a jet that is projected vertically or that flows through a filled cup or bowl.

Sec. 62. Refuse cans. At all railway or bus stations where there is an agent there shall be provided and maintained an adequate supply of open or automatically closing receptacles for the deposition of refuse and rubbish, and such receptacles shall be emptied daily and kept reasonably clean and free from odor.

Sec. 63. Cisterns, cesspools, etc. All cisterns, water-storage tanks, and cesspools in or about railway or bus stations shall be adequately screened against the entrance of mosquitos, and all collections of surface water on station property shall be drained or oiled during the season of mosquito flight, to prevent the breeding of mosquitos.

Sec. 64. Restaurants to be screened. All restaurants and lunch rooms, or other places where food is prepared or served in a railway or bus station, shall have doors and windows adequately screened against the entrance of flies during the season of flight of these insects; and all food on display or storage racks shall be adequately covered.

Sec. 65. Lavatories for restaurants. A lavatory of easy and convenient access shall be provided for the use of employees in every restaurant or lunch room in any railway or bus stations, and it shall be provided with an adequate supply of water, soap, and clean towels.

Sec. 66. Restaurant employees. Restaurant employees who are engaged in the preparing or serving of food shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal,



and immediately before beginning service.

Sec. 67. Kitchen and table utensils. All cooking, table and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in restaurants or lunch rooms in railway or bus stations shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

68. Food containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in restaurants or lunch rooms in railway or bus stations shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 69. Garbage. Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in all restaurant, and lunch rooms to care for all refuse food and other wastes; and such cans shall be emptied daily in an approved place and kept in a clean and sanitary condition.

Sec. 70. Restaurant inspection. The manager, chef, or other person in charge of any restaurant or lunch room in railway or bus stations shall be responsible for compliance with all regulations pertaining thereto, and he shall make an inspection of the premises daily for the purpose of maintaining a rigorous cleanliness in all parts thereof.

Sec. 71. Station inspection. The agent, manager, or other person in charge of any railway or bus station shall be responsible for compliance with all regulations pertaining thereto, and he shall make, or have made by a responsible person reporting to him, frequent inspections of the premises for the purpose of maintaining a rigorous compliance with all such regulations.

Sec. 72. Examination of food handlers. No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a restaurant or lunch room who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their serv-

ice as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

#### Construction Camps.

Sec. 73. Definition. For the purpose of these regulations railway or road construction camps shall be considered to include all camps and similar places of temporary abode, including those on wheels established by or for the care of working forces engaged in the construction, repair, or alteration of railway properties or parts thereof: Provided, that camps which are occupied by less than five people, or camps which are established to meet emergency conditions and are not occupied longer than five days, shall not be included, except that camp grounds must be left in clean and sanitary condition when abandoned.

Sec. 74. General. All camps shall be so located and so maintained as to be conducive to the health of their occupants and not to endanger the health of the public; and all tents, houses, stables, or other structures therein shall be kept in a reasonably clean and sanitary condition at all times.

Sec. 75. Location. Camps, except those on wheels, should be located on high, well-drained ground; any natural sink holes, pools, or other surface collections of water in the immediate vicinity should be drained and filled when the camp is first established; and all such water not subject to complete drainage should have the surface oiled at intervals of not more than seven days during the season of mosquito flight.

Sec. 76. Water supplies. All water supplies for camps shall be properly purified, unless obtained from a source which has been approved by the State Department of Health.

Sec. 77. Garbage and refuse. All garbage, kitchen wastes, and other rubbish in camps shall be deposited in suitably covered receptacles, the contents of which shall be emptied and burned each day; and manure from the stables shall be likewise collected and burned each day, or disposed of in some other manner approved by the State Department of Health.

Sec. 78. Scavenger. In all camps where there are 100 men or more

there shall be one employe whose duty shall be to act as scavenger and garbage collector.

Sec. 79. Toilets. Every camp shall have an adequate number of latrines and urinals, so constructed and maintained as to prevent fly breeding and pollution of water, and the use of such latrines and urinals by the inhabitants of the camp shall be made obligatory. Latrines and urinals may consist of deep trenches covered with houses adequately screened against flies, or of any other type approved by the State Department of Health. They shall not be located within less than 200 feet of any spring, stream, lake, or reservoir forming part of a public or private water supply.

Sec. 80. Screening. The kitchen, eating houses, and bunk houses of all camps shall be effectively screened against the entrance of flies and mosquitos during the seasons of flight of these insects.

Sec. 81. Care of tableware. All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in camps shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Section 82. Food containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in camps shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 83. Food and milk. No soiled or tainted food, whether cooked or uncooked, shall be served in any camp, and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 84. Sick persons. When an occupant of a camp becomes sick with a dangerous communicable disease, he shall be immediately isolated, and the health officer within whose jurisdiction the camp is located shall be immediately notified.

Sec. 85. Vermin. It shall be the duty of some one appointed as caretaker of the camp to make regular weekly inspections of the occupants and premises in order to ascertain the presence of lice or other vermin. Persons found to be infested shall be required to bathe, and their clothing shall be boiled; and the premises found to be infested shall

be fumigated with sulphur or treated by some other effective vermin-de-roying method.

Sec. 86. Abandoned camps. When any camp is to be abandoned, all garbage, rubbish, and manure shall be collected and burned, and manure shall be collected and burned, and latrine trenches filled, and the grounds and buildings shall be left in a clean and sanitary condition.

Sec. 87. Duty to enforce regulations. It shall be the duty of the superintendent, foreman, or other person in charge of a camp to see that all regulations pertaining thereto are faithfully complied with.

#### Chapter VIII. Sanitary Regulations of Food and Drug Establishments.

Section 1. Every building, room, basement, or cellar occupied or used as a confectionery, cannery, packing house, creamery, cheese factory, candy factory, ice cream factory, cake factory, restaurant, hotel kitchen, grocery, drug store, meat market, bottling works, produce house, or other place or apartment used for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced. For the purpose of this Act the term "food" as used herein shall include all articles used for food or drinks, confectionery or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof; and the term "drug" as used in this Act shall include all medicines and preparations for internal or external use recognized in the U. S. Pharmacopoeia or National Formulary, and any substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or animal. The term "transportation" as used in this Act shall apply only to intra-state traffic.

Sec. 2. The floors, sidewalls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food or drugs are prepared, manufactured,

packed, stored, sold or distributed; and all cars, trucks, and vehicles used in the transportation of food products shall at no time be kept in an unclean, unhealthy or insanitary condition. For the purpose of this Act, unclean, unhealthy, and insanitary conditions shall be deemed to exist if refuse, dirt, and waste products subject to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of the article of food or drug are not removed daily; if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws cleavers and other apparatus, utensils, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes are not thoroughly cleaned daily or immediately after a twenty-four hour interval of disuse or interruption in use, and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean.

Sec. 3. All materials used in the production of food or drug products, and all food and drug products, shall be stored, handled and kept in a way to protect them from spoilage and contamination; and no material shall be used which is spoiled or contaminated, or which may render the finished product unwholesome or unfit for the use for which it is intended; and no water which is polluted shall be used for washing, cleaning, or preparing any food product.

Sec. 4. The sidewalls and ceiling of every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal, or lumber, and shall be oil painted, or kept well lime washed; and all interior wood work in every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be kept well oiled or painted with oil paints, and kept washed clean with soap and water; and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood, or other suitable nonabsorbent material which can be

flushed and washed clean with water.

Sec. 5. The doors, windows, and other outside openings of every food producing or distributing establishment shall be fitted with self-closing screen doors and wire window screens of not coarser than sixteen mesh screen gauze. Provided, that wholesale houses and other establishments that handle only canned goods or other similarly protected food products which cannot possibly be damaged by flies shall not be required to have screens.

Sec. 6. Every building, room, basement, inclosure, or premises occupied, used, or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of food or drugs shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling, and distribution is conducted. The floors of such toilet rooms shall be of nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate venting flues and pipes, discharging into soil pipes, or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and clean towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food or drugs are prepared, or the finished products, before beginning work and after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water.

Sec. 7. Cuspidors for the use of operatives, employees, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or side-

walls of any buildings, rooms, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food or drug is conducted.

Sec. 8. No person or persons shall be allowed to live or sleep in any hotel kitchen or dining room, restaurant, confectionery, creamery, cheese factory, or any place where food is prepared, served, or sold.

Sec. 9. The sidewalk or street display of food products is prohibited, unless such products are enclosed in glass show cases or similar devices which shall protect the products from flies or other contamination. The bottom of such show case or container shall be at least two feet above the surface of the ground or floor. Fans and mosquito netting are not a sufficient protection. The sidewalk or street display of meat or meat products is prohibited. The polishing of fruit or any other food product by any process or in any manner which is insanitary or unclean is hereby prohibited.

Sec. 10. Confectionery, dates, figs, dried fruits, berries, butter, cheese, bakery products, and all foods subject to contamination, while on sale or display are required to be properly covered to effectively protect the same from contamination by handling with hands or damage by flies, dust, vermin, or other means of foreign or injurious contamination.

Sec. 11. No building, place, or room which is dilapidated or in such a state of repair or of such construction that it cannot be kept in a sanitary condition when used as a place for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug product shall be used as a place for conducting any business handling, preparing or producing food or food products; and the owner or owners of such building, room, or place shall not permit it to be used as a place for conducting such a business; and each day of use of such building, room, or place shall constitute a separate offense.

Sec. 12. It shall be the duty of the State Health Officer and those appointed by him to enforce this Chapter; and for that purpose the

State Health Officer or any person by him duly appointed, and the county and city health officers and their appointees shall have full power at all times to enter every building, room, basement, inclosure, or premises occupied or used for the production, preparation, manufacture, storage, sale, distribution, or transportation of food or drugs to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid; and if upon inspection any such food or drug producing or distributing establishment, conveyance, or any employee, clerk, driver, or other person is found to be violating any of the provisions of this Chapter, or if the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of such food or drugs is being conducted in a manner detrimental to the health of the employees, and operatives, or the character or quality of the food or drug therein being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the officer or inspector making the inspection or examination shall certify the facts to the State's attorney of the county in which such violation occurred, and such State's attorney shall proceed against the person or persons for the fines and penalties provided by this Act.

#### Sanitary Requirements of Plants Bottling Carbonated and Still Beverages.

Sec. 13. No person, firm, association or corporation within the State of Texas shall engage in the occupation of conducting a bottling plant or in the manufacture of carbonated beverages of any description or in the conduct of any so-called soft drink stand without having complied with the following requirements.

Sec. 14. Every bottling plant in operation at the time of the promulgation of this Act shall be houses in a building

(a) having a smooth and properly drained floor, of concrete or like material, over an area extending at least three feet beyond all bottling and bottle cleaning machinery,

(b) having whole and sound walls and ceiling,

(c) provided with window space sufficient to give needed natural

light during the daylight hours, or well lighted artificially, according to accepted standards.

(d) Which is well ventilated at all times.

Sec. 15. The water bottled, or the water used in the manufacture of carbonated beverages or carbonated malt beverages in bottling plants, or in final rinsing of bottles which are to be filled or refilled, shall be pure and potable at all times, according to U. S. Treasury Department Standards.

Sec. 16. All prepared syrups, extracts or other liquid ingredients or concentrates used in the manufacture of carbonated beverages or carbonated malt beverages shall be thoroughly strained and shall be kept, until used, in the unopened container or containers in which they are shipped, or in a covered porcelain or glass lined or glazed earthenware receptacles. All strainers or cloths used in straining syrups, flavors, extracts or concentrates shall be thoroughly washed and boiled at least daily, or before use immediately following an interval of more than twenty-four (24) hours interruption in use.

Sec. 17. The room in which syrups, flavors, extracts, or other liquid beverage ingredients or concentrates are measured or prepared shall be of substantial construction, shall have automatically closing entrance and exit, and shall be sufficiently screened with sixteen (16) mesh to the inch, or finer wire screen cloth.

Sec. 18. All syrup, extracts, concentrates or other liquid beverage containers and all piping for the conveyance of same, shall be thoroughly scalded or thoroughly cleaned and disinfected with a solution of known strength and efficiency, not less frequently than at intervals of six (6) working days, or before each use immediately after a twenty-four (25) hour interval of disuse or interruption of use. Such containers and piping shall be clean at all times.

Sec. 19. All machinery with which syrups, extracts, concentrates or other ingredients of the final production of bottling plants come in contact, and the floors, tables, shelves and racks, upon which the completed product is placed, shall

be thoroughly cleaned at intervals of six (6) working days, or before each use immediately after a twenty-four (24) hour interval of disuse or interruption in use, with boiling water, steam or a disinfectant of known strength and efficiency, and shall be clean at all times.

Sec. 20. Bottle crowns, after being taken from the original container, shall be stored only in covered dust-proof receptacles until use. If crowns are left in the original package until used, it shall be covered at all times so as to be dust proof.

Sec. All bottles used as containers for the final products of bottling plants shall be thoroughly cleaned before being filled or refilled. In the cleaning of bottles to be refilled, the temperature of the soaking solutions (if an alkali solution is used) shall not be less than one hundred and twenty (120) degrees Fahrenheit, and the alkalinity of such a solution shall be all times equivalent to the free alkalinity of a three (3) per cent sodium hydroxide solution.

Sec. 22. All accumulation of broken bottles and other rubbish shall be kept in appropriate receptacles or containers, and shall be removed from the bottling plant daily.

Sec. 23. All employees in the bottling plant must wear clean clothes. Arrangements facilitating the observance of personal hygiene by employees actually engaged in the preparation and bottling of beverages shall be maintained by the management of the bottling plant.

Sec. 24. Every bottling plant now in operation shall observe the following conditions:

(1) All flush toilets connected in anyway with any part of the bottling plant shall be securely and permanently closed by a solid partition and door.

(2) The disposal of fecal matter of toilet anywhere within the premises, shall conform to the standards set by the State Department of Health.

Sec. 25. No carbonated beverages or still drinks shall be made except from syrup containing pure cane or beet sugar and pure flavoring materials with or without added fruit acids, and with or without added color. Such carbonated beverages or still drinks shall contain not less

than eight percent sugar by weight.

Sec. 26. After three months from the promulgation of this Act, no bottling plant, which practices the refilling of bottles may operate, except it be equipped with, and use at all times in its operation, a mechanical soaker and bottle-washer. Said soaker and bottle-washer shall be maintained in a state of full efficiency during any and all operations of the bottling plant.

Sec. 27. No new bottling plant shall hereafter be permitted to begin operations except the following conditions be observed.

(1) The entire floor of the bottling department shall be impervious to water, and shall be adequately drained.

(2) There shall be no flush toilet opening directly into any part of the bottling department.

(3) Means for the disposal of fecal matter shall conform to the standards set by the State Department of Health.

(4) Mechanical soaker and bottle-washer shall be included in the operating equipment.

(5) No other business for the preparation and bottling of the final product of the plant shall be conducted in the bottling department of the establishment.

#### Chapter IX. Milk Sanitation.

Section 1. Supplementing the laws now in force covering food protection, in order to better safeguard the public health and to promote the better protection of the milk supplies of Texas, providing rewards for the cleanly production and handling of the milk and to promote and increase the public confidence in same, the State Board of Health is hereby authorized to provide a system for grading and labeling the milk to the end that the public may be informed of its safety and quality.

Such promotion of milk sanitation by grading may be extended by cities and towns of Texas requesting the State Board of Health to such same and by their voluntary and optional adoption of such system as the State Board of Health recommends.

This section is not intended to interfere with the operation of any other system of grading by any city of Texas.

Sec. 2. Milk or milk products shall not be graded or permitted to carry a label of a grade indicating the safety or quality of the product in the State of Texas unless the milk control work is done by the city or county health authority, or by the State Health Officer, or by their authorized representatives, and unless such grade or label shall have been authorized by one of the aforesaid authorities in conformity to a standard.

Sec. 3. Provisions for Extension of State Aid. The State Health Officer is hereby authorized to assist with the promotion of milk sanitation in such cities, towns, and counties of Texas which are not financially able to provide for same, and in the following manner: He may furnish the services of his representative to counties, cities, and towns making application therefor, and he is hereby authorized to accept from any county, city, or town moneys of an amount estimated and agreed upon as will defray the expense incurred in fulfilling such assignments, and provided the funds so received shall be placed in the State Treasury to the credit of a fund to be known as "Milk Inspection Fund," the same being hereby appropriated, and shall be used by the State Health Officer in the promotion of milk sanitation. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn on the State Treasury on the requisition of the State Health Officer.

#### Chapter X. Constitutionality and Emergency Provisions.

Section 1. Penalty. Any person, firm, or corporation who shall violate any provisions of any Chapter, Section, or subdivision of the foregoing Sanitary Code shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars ad each day of such violation shall constitute a separate offense.

Section 2. Constitutionality. If any particular section or part of this Act shall be held unconstitutional or inoperative for any reason, it shall not affect any other section or part of this Act, and the remainder of the Act, save the part or section declared unconstitutional or inoperative, shall continue in full force and effect.

Sec. 3. Emergency. The fact that more adequate protection of the public health is needed, and the importance of this legislation, create an emergency and a public necessity requiring that the constitutional rule providing that bill shall be read on three several days in each House shall be suspended, and said rule is hereby suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 10, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 68, A bill to be entitled "An Act establishing a State Sanitary Code which provides for the prevention and control of disease: and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments, and be printed in the Journal.

BECK, Chairman.

#### Committee Amendment.

Amend S. B. No. 68 by adding a new chapter after Chapter 9 which said new chapter shall be Chapter 10 and by renumbering Chapter 10 "Chapter 11." The new chapter to be added is as follows:

Chapter X. Requirements of persons, firms and corporations who manufacture, sell, offer for sale, deliver, consign for sale or have in his possession with intent to sell, any mattress or pillow.

Section 1. No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, any mattress or pillow unless the same be labeled by securely sewing upon the outside thereof a label upon which shall be legibly written or printed in the English language, in letters at least one-eighth of an inch in height, giving the name and address of the maker thereof, giving specifically the material or materials used in constructing the mattress or pillow, and whether such materials are new or second hand. The form of the label shall be prescribed by the State Health Officer of the State of Texas.

Said labels shall be of muslin or linen and not less than two inches in size and shall be securely fixed or sewed on the outside of the mattress or pillow.

Committee Room,  
Austin, Texas, June 10, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Public Health, to whom was referred S. B. No. 71, A bill to be entitled "An Act regulating the practice of medicine; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Moore, Beck, S. B. No. 71.  
Hardin, Hornsby.

#### A BILL

##### To Be Entitled

An Act regulating the practice of medicine; amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas as codified in 1925, so as to provide that it shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within this State who has not registered in the district clerk's office of every county in which he may reside, and in each and every county in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, his certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated and date of graduation, all subscribed and verified by oath, which, if wilfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law; and so as to provide

that the holder of every such certificate must have the same recorded upon each change of residence, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any sense of such record in any place manner or prescribing for patients, and providing that the absence of such record in any place where such record is required by this Act shall be prima facie evidence of the want of possession of such certificate; and providing that if, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed; and further providing that this Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, and certain designated Articles of the Penal Code of 1925, and providing that the Articles thus amended shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the Articles of the same number now appear; and providing that nothing in this Act shall have the effect of repealing, amending or in any wise modifying the provisions of Chapter Eleven, Title 71, Revised Civil Statutes of 1925; and providing that if any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law; and declaring an emergency.

Section 1. Article 4495, Revised Civil Statutes of 1925, is hereby amended, so that the same shall hereafter read as follows:

Article 4495. The Texas State Board of Medical Examiners shall consist of twelve men, learned in medicine, legal and active practitioners in the State of Texas, who shall have resided and practiced medicine in this State; under a di-

ploma from a legal and reputable college of medicine of the School to which said practitioner shall belong, for more than three years prior to their appointment on said Board. No school shall have a majority representation on said Board. Within thirty days after this Act becomes effective, the members of the first Board, as provided in this Act, shall be appointed by the Governor of the State. Of the members first appointed, four shall serve for a term of two years, or until their successors shall be appointed and qualified; four shall serve for a term of four years, or until their successors shall be appointed and qualified; and the remaining four members shall serve a term of six years, or until their successors shall be appointed and qualified. Thereafter, at the expiration of the term of each member of the Board first appointed, his successor shall be appointed by the Governor of the State, and shall serve for a term of six years, or until his successor shall be appointed and qualified. The present members of the State Board of Medical Examiners, as created by Article 4495, Revised Civil Statutes of 1925, shall remain in office until the members of the Texas State Board of Medical Examiners provided for in this Act shall have been appointed by the Governor and shall have qualified. No member of said Texas State Board of Medical Examiners shall be a stockholder or a member of the faculty of a board of trustees of any medical school. Vacancies occurring in the Board shall be filled by the Governor. The word "medicine," as used in this Article, shall have the same meaning and scope as is given to it in Article 4510, Revised Civil Statutes of 1925.

Sec. 2. Article 4498, Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

Article 4498. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the District Clerk's office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner,



or prescribing for patients, the certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated, and date of graduation, subscribed and verified by oath, when, if wilfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the District Clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence of another county, as well as in each and every County in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 3. Article 739 of the Penal Code of Texas as codified in 1925, is hereby amended so that the same shall hereafter read as follows:

Article 739. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the District Clerk's office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, the certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated and date of graduation, subscribed and verified by oath, which, if wilfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the district clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence to another county, as well as in each and every county in which he may maintain

an office, or in which he may designate a place for meeting, advising with, treating in any manner, or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 4. Nothing in this Act shall affect, in any way, an yprosecution for the unlawful practice of medicine, pending at the time this Act takes effect, or the procedure in any such case; nor shall this Act have the effect of relieving any person from liability, criminal or civil, incurred by reason of the unlawful practice of medicine at any time prior to the passage of this Act. If, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed.

This Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, constituting a part of the Penal Code of 1925, and also certain designated Articles of the Penal Code of 1925, Chapter 6, Title 12, and, as amended by this Act, these Articles shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the designated Articles now appear. Nothing in this Act shall have the effect of repealing, amending or in any wise modifying the provisions of Chapter Eleven, Title 71, Revised Civil Statutes of 1925.

Sec. 5. If any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law.

Sec. 6. The importance to the public of the amendment to the medical practice laws proposed in this Act and the imperative necessity for such amendments, creates an emergency and an imperative public necessity, demanding a suspension of the constitutional rule requiring bills to be read on three

several days, and the same is hereby suspended, and it is enacted that this Law shall take effect and be in force from and after its passage.

Committee Room,

Austin, Texas, June 10, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 70, A bill to be entitled "An Act further regulating the practice of medicine, and requiring the payment of an annual registration fee; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Moore, Beck, S. B. No. 70.  
Cunningham,  
Hardin, Hornsby.

#### A BILL

#### To Be Entitled

An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Texas State Board of Medical Examiners after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual

registration certificate certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that the fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1931 may be expended, and how the same may be expended and conferring certain powers and duties upon the Texas State Board of Medical Examiners; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the first day of January, A. D., 1930, and thereafter to register in like manner annually, on or before the first day of January of each succeeding year. Each person so registering with the Texas State Board of Medical Examiners, shall, pay, in connection with each annual registration and for the receipt hereinafter provided for, a fee of Two Dollars (\$2.00), which fee shall accompany the application of every such person for such registration. Such payment shall be made to the Texas State Board of Medical Examiners. Every person so registering shall file with the Texas State

Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his Post Office address, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where he is engaged in the practice of medicine, as well as the school medicine to which he professes to belong and the number and date of his license certificate.

Upon receipt of such application, accompanied by the registration fee of Two Dollars (\$2.00), the Texas Board of Medical Examiners, after ascertaining, either from the records of the Board or from other sources deemed by it to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration receipt, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the filing of such application, the payment of the registration fee, and the issuance of such receipt shall not entitle the holder thereof to lawfully practice medicine with the State of Texas, unless he has in fact been previously licensed, as such practitioner by the Texas State Board of Medical Examiners, as prescribed by law, and has recorded his license certificate entitling him to practice as issued by said Board, in the District Clerk's Office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further that, in any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such receipt showing payment of the annual registration fee required by this Act shall not be treated as evidence that the holder is lawfully entitled to practice medicine.

Sec. 2. If any person required to register as a practitioner of medicine under the provisions of Section 1 of this Act shall fail, neglect or refuse to apply for such registration and pay the annual registration fee before the expiration of sixty days after the first day of January of each year, his license to practice medi-

cine, previously issued to him, shall stand suspended, so that, for thereafter practicing medicine, he shall be subject to the penalty imposed by Article 742 of the Penal Code of 1925 upon any person unlawfully practicing medicine in this State; provided, that such license shall be reinstated at any time upon written application of the holder, made to the Texas State Board of Medical Examiners, accompanied by payment of the annual registration fees in arrears; and an additional fee of One (\$1.00), and without examination or the performance of any other condition.

And provided further that when any such suspended license is thus reinstated, the practitioner's license shall stand as if the same had never been suspended, and if any prosecutions have been filed or any penalties incurred on account of the practice of medicine by such practitioner during the period when such license stood suspended, said prosecutions and penalties shall be completely abated, and such reinstatement shall be a complete defense to the same.

Sec. 3. All annual registration fees collected by the Texas State Board of Medical Examiners under this Act shall be placed in the State Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and all of the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1931, are hereby appropriated and shall be used by the Texas State Board of Medical Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecution officers of any county in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine, and to carry out the other purposes for which said fund is hereby appropriated. Provided that all such prosecutions

shall be subject to the direction and control of the regularly and duly constituted prosecuting officers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

In performing the duties devolved by this Act upon the Board of Medical Examiners, said Board shall act through the Secretary-Treasurer of the Board of Medical Examiners. The Secretary-Treasurer shall receive a salary of not more than Five Thousand (\$5,000.00) Dollars per annum, for the performance of such duties under this Act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners in the sum of not less than Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully discharge the duties of his office. Such salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general revenue of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the Secretary-Treasurer in performing his duties and in carrying out the purposes of this Act; provided, that the compensation of all

persons authorized to be employed under this chapter, shall be paid only out of said "Medical Registration Fund." All disbursements from said fund shall be made only upon written approval of the president and secretary-treasurer of the State Board of Medical Examiners and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 4. This Act shall not be construed as repealing any part of Chapter Six of Title 71, Revised Civil Statutes of 1925, or Chapter Six of Title 12 of the Penal Code of 1925.

Sec. 5. The fact that it is desirable to have a State record properly kept, showing the number of persons engaged in the practice of medicine in this State, and showing where such persons are engaged, and the fact that additional funds are needed to properly enforce the laws of this State, prohibiting the unlawful practice of medicine, creates an emergency, which requires that the Constitutional rule requiring bills to be read on three several days, be and the same is hereby suspended, and this this Act shall take effect and be in force from and after its passage, and it is so enacted.

**In Memory**  
**of**  
**Mrs. Maurice Barker McFarlane**

**SIMPLE RESOLUTION No. 5.**

Senator McFarlane sent up the following resolution:

Whereas, In the peaceful town of Meridian, Mississippi, on the morning of Saturday, June 8, 1929, the Angel of Death descended suddenly upon the home of Mrs. Maurice Barker McFarlane, daughter of our esteemed Secretary, Bob Barker, and claimed her for his own. Mrs. McFarlane was a native born and reared Texan, a Mississippian by adoption; to know her, was to love her, and the community in which she lived suffers a distinct loss in her demise.

Therefore be it resolved by the Senate, that we extend to our Secretary, his good wife, and the family of the deceased our sincere sympathy in their loss; that this resolution be printed in the Journal in a befitting manner, and that a copy of same be furnished to them.

Hardin, Holbrook, Martin, Moore, Miller, Neal, Parr, Patton, Pollard, Stevenson, Thomason, Witt, Woodul, McFarlane, Woodward, Westbrook, Williamson, Parrish, Hornsby, Small, Berkeley, Greer, Wirtz, Love, Hyer, Gainer, Cunningham, Russek, DeBerry, Beck, Cousins.

The resolution was read and unanimously adopted by a rising vote.

**In Memory  
of  
Honorable E. L. Rector**

**SIMPLE RESOLUTION NO. 6.**

Senator Hornsby sent up the following resolution:

Whereas, Death has claimed the Honorable Elbridge Lee Rector of San Saba, Texas, he having departed this life on June 4, 1929, and the funeral services held at the family residence at San Saba by Rev. Dennis Macune, pastor of the Methodist Church, with burial at Odd Fellows Cemetery; and

Whereas, He was a lawyer of ability, an author and student of political economy and a pioneer citizen of the highest integrity and honor; and,

Whereas, He was at one time a member of the Texas Senate, having served in the 36th Legislature with honor to himself and his State. Senator Rector was the son of Judge Nelson S. Rector, and was born at Seguin, Texas, in November, 1847. He was educated at West Texas Military Institute and was a graduate of the University of Virginia; he was admitted to the bar, and was married to Miss Pattie Townes at Austin in 1886. He was a member of the American Institute of Civics, American Economical Association, American Political Science Association and author of "Science of Money and Exchange." Senator Rector was an active member of the Methodist Church at San Saba for many years and active in all movements for the civic improvement of his town and county, and was prominently identified with the work of securing irrigation for the San Saba valley. He was a brother of N. A. Rector of Austin and of Knight Rector of San Saba.

Now, therefore, be it resolved by the Senate of Texas: That in the death of Senator Rector the State and all who knew him have suffered a great and irreparable loss. We join with his family, relatives and many friends in an expression of sorrow in his passing and in paying honorable tribute to his memory.

Be it further resolved that a page be set aside in the Senate Journal in memory of Senator Rector and that this resolution be printed therein, and that a copy of this resolution be forwarded by the Secretary of the Senate to his brother, Hon. Knight Rector, San Saba, Texas, and to the San Saba News and San Saba Star.

**HORNSBY.**

The resolution was read and adopted unanimously by a rising vote.